LEGISLATIVE RECOMMENDATIONS BY HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES

SUBSEQUENT ACTION TAKEN BY CONGRESS OR EXECUTIVE AGENCIES

(A Research Study by Legislative Reference Service of the Library of Congress)

COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-FIFTH CONGRESS
SECOND SESSION

JUNE 1958

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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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RICHARD ARENS, *Staff Director*

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * * * *

17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * * * *

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 85TH CONGRESS

House Resolution 5, January 3, 1957

* * * * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * * * *

(q) Committee on Un-American Activities, to consist of nine Members.

* * * * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * * * *

17. Committee on Un-American Activities.

(a) Un-American activities.

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The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * * * *

26. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

FOREWORD

This is the legislative history of the Committee on Un-American Activities.

The great body of legislation which has been enacted by the Congress following recommendations made by this committee is herewith spelled out in detail. This document also summarizes every legislative recommendation offered by this committee from 1941 to 1958.

The committee is encouraged by the fact that its work has contributed to important remedial legislation in the field of subversion. It is mindful, however, that many of its recommendations are still pending as bills before the Congress, and it urges final congressional action on these measures. A review of this document will reveal what legislative action has already been taken to curb Communist conspirators in this country and what remains to be done.

This record will also refute once and for all the assertions made by uninformed persons that this committee has no legislative purpose or that the object of its hearings is "exposure for exposure's sake." The facts clearly show that this committee's activities have always been directed toward remedial legislation in its assigned field of inquiry. Congressional approval of the functioning of the committee is exemplified by the vast amount of legislation which has followed its recommendations.

Part I of this document is an independent research study by the Legislative Reference Service of the Library of Congress of legislative recommendations made by the Committee on Un-American Activities of the House of Representatives and subsequent action taken by Congress or executive agencies. An Appendix sets forth pertinent legislation adopted by Congress in this field. (See p. 35.)

Part II is a summary of the provisions of the proposed "Internal Security Amendments Act of 1958" which was introduced on January 13, 1958, in the form of House Resolution 9937, by Hon. Francis E. Walter, chairman of the Committee on Un-American Activities. This omnibus security bill was referred to the committee by the Speaker of the House. A full text of the bill appears in the Appendix. (See p. 77.)

The research study constituting Part I of this report sets forth the recommendations made by the committee since 1941. An analysis of the study reflects that these recommendations relate to the following subjects:

Refusal of foreign countries to accept deportees;
Distribution of totalitarian propaganda;
Statutory period for revocation of naturalization;
Limitation of prosecution for passport frauds;
Independent commission on Federal loyalty;
Publication of names of foreign agents;
Anti-Subversive Division in Department of Justice;

Foreign agents registration;
Deportation and exclusion of alien subversives;
Restriction of tax exempt privileges of Communist educational and charitable organizations;
Second-class mailing privileges of foreign embassies;
Denial of second-class mailing privileges to subversive organizations;
Internal Security Act of 1950;
Communist Control Act of 1954;
Deportation of aliens upon conviction of crimes against the United States;
Penalty for contempt of Congress;
Study of immigration laws;
Statute of limitations in espionage cases;
Activities of Communist country embassies;
Employment of subversives in defense plants and Government service;
Officers of labor unions under contract with Atomic Energy Commission and Armed Forces;
Non-Communist affidavit under Taft-Hartley Act;
Single espionage statute for peace and war;
Immunity for congressional witnesses;
Revocation of commissions in Armed Forces;
Emergency powers of executive branch;
Technical surveillance (wire tapping);
Statute of limitations for prosecution for false statements by Federal employees regarding subversive activities;
Increased penalties for seditious conspiracy;
Registration of persons with training in espionage;
Compulsory testimony in congressional investigations;
Contradictory statements under oath to be punished as perjury.

The study reveals that bills were introduced in the House of Representatives embodying 80 recommendations made by the committee; all but two of these bills were offered after 1949. Actual legislation enacted by Congress carried out 35 of these committee recommendations. Twenty-six bills are still pending in the 85th Congress.

The Internal Security Act of 1950, the Communist Control Act of 1954, and various provisions of the Immigration and Nationality Act of 1952, are among the more important legislative enactments in this field.

Some of the recommendations made by the committee pertained more to policies which should be followed by various executive agencies rather than to legislative action. It is interesting and important to note from the research study that executive agencies have put into effect policies, orders, or regulations relating to 13 recommendations by the committee, thus indicating substantial performance of the "legislative oversight" duties of the committee as required by rule XII of the House of Representatives.

Executive Order 10450, dated April 27, 1953, which establishes a security program for the Federal departments and agencies; and Executive Order 10491, dated October 13, 1953, directing that a Government employee's refusal to testify before a congressional committee regarding charges of his alleged disloyalty or other mis-

conduct, be taken into consideration when determining whether or not such employee is a security risk, were promulgated following committee recommendations on the subjects.

The proposed Internal Security Amendments Act of 1958, the subject of Part II of this document, was introduced for the purpose of strengthening the hand of the Government in dealing with a wide range of Communist operations. The analysis of its 17 separate provisions is self-explanatory.

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PART I

LEGISLATIVE RECOMMENDATIONS BY HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES AND SUBSEQUENT ACTION TAKEN BY CONGRESS OR EXECUTIVE AGENCIES

Recommendations Contained in House Report No. 1, 77th Congress, Dated January 3, 1941

DEPORTATION

1. *Committee recommendation.*—The enactment of legislation to bring about the immediate mandatory deportation of alien spies and saboteurs (January 3, 1941).

Action.—Section 22 "Sec. 4" of the *Internal Security Act of 1950* (64 Stat. 1008) as repealed (66 Stat. 279 § 403 (a) (16) and superseded by *section 241 (a) (6) (F) (G) (H), (17)* of the *Walter-McCarran Immigration Act* of June 27, 1952 (66 Stat. 204–208) provides for the mandatory deportation of aliens who advocate or who are affiliated with any organization which advocates sabotage, and aliens who are convicted of violating or of conspiring to violate certain specified espionage acts. *For text* of this section *see* Appendix, page 53.

2. *Committee recommendation.*—The mandatory deportation of aliens who advocate any basic change in the form of our Government (January 3, 1941).

Action.—Section 22 "Sec. 4" of the *Internal Security Act of 1950* (64 Stat. 1008) as repealed (66 Stat. 279 § 403 (a) (16) and superseded by *section 241 (a) (6) (D) (F) (G) (H)* of the *Walter-McCarran Immigration Act* of June 27, 1952 (66 Stat. 204–207) provides for the mandatory deportation of aliens who advocate or who are affiliated with any organization which advocates the economic, international, and governmental doctrines of world communism, the establishment of a totalitarian dictatorship in the United States, or the overthrow of the Government by unconstitutional means. *For text* of this section *see* Appendix, page 53.

CITIZENSHIP OF FEDERAL EMPLOYEES

3. *Committee recommendation.*—The enactment of legislation requiring that all employees and officials of our Federal Government be American citizens (January 3, 1941).

Action.—A bill was introduced in the 77th Congress (S. 84, dated January 6, 1941), and in the 78th Congress (S. 521, dated January 21, 1943), both providing that only citizens shall be eligible to hold civil positions under the United States within the continental United States, and that appointment of an alien to, or acceptance by an alien of, such a position shall be punished by a fine of from $50 to $5,000. These bills were not enacted into law.

To this date, however, the various appropriation acts (e. g., the General Government Matters Appropriation Act, 1958, Public Law 85–48, § 202, 71 Stat. 53) continue to carry citizenship requirements for Federal employment. *For text* of § 202 of the General Government Matters Appropriation Act, 1958, *see* Appendix, page 59.

FEDERAL AID TO EDUCATIONAL INSTITUTIONS

4. *Committee recommendation.*—Withhold all Federal financial support from any educational institution which permits members of its faculty to advocate communism, fascism, or nazism as a substitute for our form of Government to the student body of these educational institutions (January 3, 1941).

Action.—*Section 228* of the *Veterans' Readjustment Assistance Act of 1952* (66 Stat. 667) prohibits the payment of an education and training allowance to any eligible veteran who enrolls for any course in an educational institution which is listed by the Attorney General as totalitarian, Fascist, Communist, or subversive. *For Text* of this section, *see* Appendix, page 57.

Several bills were introduced (S. 4078, and H. R. 11955 in the 84th Congress, and S. 1061 and H. R. 3636 in the 85th Congress) which require private educational institutions and training establishments giving assistance to veterans under the Veterans Readjustment Assistance Act of 1952 and part VIII of Veterans Regulation numbered 1 (a) to file non-Communist affidavits with the Administrator of Veterans' Affairs, and which require disapproval under the Act or Regulation of any such institution or establishment which fails to file such an affidavit. S. 4078 and H. R. 11955 of the 84th Congress were not enacted into law. S. 1061 and H. R. 3636 are still pending before the 85th Congress.

OUTLAWING POLITICAL ORGANIZATIONS UNDER FOREIGN CONTROL

5. *Committee recommendation.*—The enactment of legislation to outlaw every political organization which is shown to be under the control of a foreign government (January 3, 1941).

Action.—Section 3 of the Communist Control Act of 1954 (68 Stat. 776) provides that the Communist Party, its successors, and subsidiary organizations are not entitled to any rights, privileges and immunities attendant upon legal bodies created under the jurisdiction of the United States or any political subdivision thereof. *For text* of this provision, *see* Appendix, page 72.

Two bills were introduced in the 83d Congress on this subject:

S. 200 dated January 7, 1953, and *H. R. 5941*, dated June 25, 1953, outlaw the Communist Party (under its present name or under any name it may use in the future) or any other organization whose purpose is to overthrow the Government of the United States. A fine of not more than $10,000, imprisonment of not more than 10 years, or both, plus forfeiture of citizenship, are imposed upon members of such party.

H. R. 1576, dated January 13, 1953, prohibits the printing of the name of a member of the Communist Party or any un-American party on any ballot for an office in the Government of the United States.

Provides a penalty for violation thereof, of a fine up to $25,000 and up to 10 years imprisonment.

Two bills were introduced in the 84th Congress:

H. R. 8, dated January 5, 1955, specifies that the Communist Party is outlawed under the Communist Control Act of 1954 (the law now states that the Communist Party should be outlawed). It provides penalties for membership or participation in the revolutionary activity of the Communist Party or any other organization furthering revolutionary conspiracy. It repeals the provision of the Internal Security Act of 1950 which provides that neither the holding of office nor membership in any Communist organization by any person shall constitute *per se* a violation of the provision of law prohibiting a conspiracy to establish a totalitarian dictatorship, etc., or any other criminal statute.

S. 251, dated January 10, 1955, revises the provisions of the Communist Control Act of 1954 relating to proscribed organizations so as to provide penalties for membership or participation in the revolutionary activity of the Communist Party or any other organization furthering revolutionary conspiracy.

There are two bills now pending before the 85th Congress:

H. R. 8886, dated July 24, 1957, provides penalties for persons who knowingly or wilfully become or remain members of the Communist Party. The bill permits the compelling of testimony relating to such membership and the granting of immunity from prosecution in connection therewith.

H. R. 9937, dated January 13, 1958, among other provisions, prohibits membership in the Communist Party, and revokes the citizenship of a person who becomes a part of the official apparatus of a Communist country without the consent of the United States Government.

REFUSAL OF FOREIGN COUNTRIES TO ACCEPT DEPORTEES

6. *Committee recommendation.*—The enactment of legislation to stop all immigration from foreign countries that refuse to accept the return of their nationals found under American law to be deportable from this country (January 3, 1941).

Action.—Section 22 "Sec. 7" of the *Internal Security Act of 1950* (64 Stat. 1009) as repealed (66 Stat. 279 § 403 (a) (16) and superseded by *section 243 (g)* of the *Walter-McCarran Immigration Act* of June 27, 1952 (66 Stat. 214) provides that when any country refuses to accept the return of an alien who is a national or resident thereof, the consular officers in such country shall discontinue the issuance of immigrant visas to the nationals or residents of such country until such country accepts such alien. *For text* of this section *see* Appendix, page 56.

DISTRIBUTION OF TOTALITARIAN PROPAGANDA

7. *Committee recommendation.*—The passage of added legislation to place restrictions on the distribution of totalitarian propaganda, when that distribution involves any cost to the American taxpayers, and when such propaganda emanates and is shipped from foreign sources (January 3, 1941).

Action.—Section 10 of the *Internal Security Act of 1950* (64 Stat. 996) as amended by Section 8 (a) of the Communist Control Act of 1954 (68 Stat. 778 § 8 (a)) makes it unlawful for a Communist

organization, which is registered with the Attorney General, to transmit publications through the mail unless such publication and its wrapper have printed on them: "Disseminated by _____, a Communist organization," with the name of the organization appearing in lieu of the blank. This section also makes it unlawful for such an organization to broadcast over any radio or television station in the United States unless the program is preceded by an announcement that it is sponsored by a Communist organization, giving the name of such organization. *For text* of this section, *see* Appendix, page 38.

Although they were not enacted into law, two bills on the subject were introduced in the 84th Congress:

S. 1508, dated March 22, 1955, would make it unlawful to transmit communist propaganda matter in the United States mails or in interstate commerce for circulation or use in public schools, and would provide penalties for violation of this provision.

H. R. 4105, dated February 16, 1955, would require the registration with the Attorney General of any combination of individuals, controlled, directed, or financed in substantial part by any foreign government or foreign political party, which combination is not engaged in private and nonpolitical activities. The bill requires the filing and labeling of all political propaganda transmitted through the mails and prohibits the transmission of such through the mails unless conspicuously marked. Provisions shall apply to persons not within the United States who use the United States mails or any instrumentality of interstate or foreign commerce within the United States to disseminate political propaganda except when such transmittal is to a person duly registered as herein provided.

There are now pending before the House of Representatives, in the 85th Congress:

H. Res. 305, dated July 1, 1957, declaring that it is the sense of the House of Representatives that no radio or television broadcast should be permitted over the facilities of any licensed station, if such broadcast consists of an interview with any official representative of any Communist-dominated government, unless, prior to such broadcast, the questions to be propounded to such official representative have been submitted to and approved by the Secretary of State.

H. R. 9937, dated January 13, 1958, which, among other things, requires each foreign agent to be registered and to label propaganda with statement that he is so registered, and to forward copies of any political propaganda imported or transmitted in the United States mails, to the Librarian of Congress and to the Attorney General. This shall also apply to persons not within the United States. The bill establishes in the Bureau of Customs, the Office of the Comptroller of Foreign Propaganda with responsibility for the control of such propaganda.

REVOCATION OF NATURALIZATION—STATUTORY PERIOD

8. *Committee recommendation.*—That the statutory period during which citizenship papers can be revoked under existing law be extended to at least 10 years (January 3, 1941).

Action.—I. Act of June 30, 1951 (65 Stat. 107, c. 194) set the limitation for prosecution of actions for knowingly procuring naturalization in violation of law (18 U. S. C. § 1425) at 10 years. *For text*

of this Act and of 18 U. S. C. § 1425, *see* Appendix, pages 44 and 60 respectively.

II. *Section 340 (a)* of the *Walter-McCarran Immigration Act* of June 27, 1952 (66 Stat. 260) provides that conviction of a person for contempt of Congress for refusal to testify, within a period of 10 years following his naturalization, concerning his subversive activities, shall be ground for revocation of his naturalization. *For text* of this section *see* Appendix, page 56.

PASSPORT FRAUD—LIMITATION OF PROSECUTION

9. *Committee recommendation.*—That the statute of limitations with regard to passports fraudulently obtained be extended from 3 to 7 years (January 3, 1941).

Action.—Act of June 30, 1951 (65 Stat. 107, c. 194) sets the limitation for prosecution of actions regarding passport offenses (18 U. S. C. §§ 1423–1428, 1541–1544) at 10 years. *For text* of this Act and of these Code sections, *see* Appendix, pages 44 and 59, respectively.

EMPLOYMENT IN DEFENSE FACILITIES OR IN GOVERNMENT SERVICE

10. *Committee recommendation.*—A policy that employment in national-defense industries or the Government service be denied to any person who has been and is now active in any political organization which is found to be under the control and guidance of foreign government (January 3, 1941).

Action.—Section 5 of the *Internal Security Act of 1950* (64 Stat. 992) provides that members of Communist organizations registered with the Attorney General shall not hold employment in the Federal Government; that members of a Communist-action organization shall not hold employment in a defense facility; and that members of a Communist-front organization must disclose such membership when seeking or holding employment in a defense facility. *For text* of this section, *see* Appendix, page 35.

House Report No. 2742, 79th Congress, 2d Session,

Dated January 2, 1947

INDEPENDENT COMMISSION ON FEDERAL LOYALTY

11. *Committee recommendation.*—That Congress create an independent commission with authority to investigate and to order the discharge of any employee or official of the Federal Government whose loyalty to the United States is found to be in doubt (January 2, 1947).

Action.—Although no legislation was enacted, several steps in that direction have been made under *Executive Order 10450* (18 F. R. 2489), issued on April 27, 1953, which establishes a security program for the Federal departments and agencies. *Sections 1 and 6* of this order provide for summary suspension by agency heads, of employees considered to be poor security risks, followed by termination of their employment if found to be advisable in the interest of national security upon the results of proper investigation. *Section 9* of this Order provides for a central clearance by means of a Security-Investigation Index to be maintained in the Civil Service Commission, covering all persons as to whom security investigations have been conducted by

any agency, and to contain all identifying information which the heads of agencies shall immediately furnish to the Civil Service Commission. *For text* of sections 1, 6, and 9 of this Order *see* Appendix, page 63.

There is a bill now pending in the 85th Congress (*S. 37*, dated January 7, 1957) which would create a bipartisan Loyalty Review Board as an independent executive agency, whose certification that reasonable doubts exist as to the loyalty of a Federal employee would constitute authority for the dismissal of the employee.

PUBLICATION OF NAMES OF FOREIGN AGENTS

12. *Committee recommendation.*—That the Department of State and the Department of Justice be required to publicize every 6 months the names and identity of all agents of any foreign governments who are in the United States for either diplomatic, commercial or other purposes (January 2, 1947).

Action.—Although no legislation has been enacted, the Senate passed *S. 2611* on March 24, 1952. A similar bill (S. 37, dated January 6, 1953) was introduced in the 83d Congress. They provide that no person who is engaged as a public relations counsel, publicity agent, or information-service employee, or who is engaged in the preparation or dissemination of political propaganda, shall be recognized as a duly accredited diplomatic or consular officer of a foreign government, and shall therefore not be exempt from registration under the Foreign Agents Registration Act, as amended (22 U. S. C. 613), which Act makes such registration a public record (22 U. S. C. 616).

SUBVERSIVE MATTERS DIVISION IN DEPARTMENT OF JUSTICE

13. *Committee recommendation.*—That the Department of Justice be required by law to establish within the Department a special division devoted to the prosecution of subversive elements now operating in the United States (January 2, 1947).

Action.—On July 9, 1954, by Order No. 51-54 (19 F. R. 4429) the Attorney General established in the Department of Justice a division designated as the Internal Security Division, headed by an Assistant Attorney General, to have charge of matters affecting the internal security of the United States, including the prosecution of all cases involving subversives and subversive activities.

FOREIGN AGENTS' REGISTRATION

14. *Committee recommendation.*—That the Attorney General be instructed by a proper resolution of the House, to report to the House the number of prosecutions instituted under the Voorhis Act and the McCormack Foreign Agents Registration Act (January 2, 1947).

Action.—Although no legislation was enacted, a bill (*H. R. 6554*, dated May 13, 1948) was introduced in the 80th Congress, which directed the Attorney General to submit to Congress a detailed report of the efforts by the Department of Justice to enforce, among other acts, the Voorhis Act and the McCormack Act. A similar bill was introduced in the 81st Congress (*H. R. 188*, dated January 3, 1949), and on August 25, 1950, the Attorney General submitted a report to Congress, on the administration of the Foreign Agents Registration Act (the McCormack Act) for the 5 year period from January 1, 1945 to December 31, 1949 (96 Cong. Rec. 13528, 13802).

FEDERAL EMPLOYMENT AND OFFICE IN LABOR UNIONS LIMITED TO CITIZENS

15. *Committee recommendation.*—That legislation should be enacted that would restrict Federal employment to citizens of the United States and that only citizens be permitted to hold office in any labor union subject to Federal laws (January 2, 1947).

Action.—None—*See* item 3, above.

DEPORTATION AND EXCLUSION OF ALIEN SUBVERSIVES

16. *Committee recommendation.*—That legislation be enacted requiring that all alien Communists and other subversive aliens be promptly deported and that the Immigration Service maintain a stringent screening process to restrain the present influx of aliens into the United States and to determine whether their political background is inimical to the best interests of the United States (January 2, 1947).

Action.—I. *Section 22* "Sec. 4" of the *Internal Security Act of 1950* (64 Stat. 1008) as repealed (66 Stat. 279 § 403 (a) (16)) and superseded by *section 241 (a) (6)* of the *Walter-McCarran Immigration Act* of June 27, 1952 (66 Stat. 205) provides for deportation of aliens affiliated with the Communist Party and other subversive aliens. *For text* of this section, *see* Appendix, page 53.

II. *Section 22* of the *Internal Security Act of 1950* (64 Stat. 1006) as repealed (66 Stat. 279 § 403 (a) (16)) and superseded by *section 212 (a) (28)* of the *Walter-McCarran Immigration Act* of June 27, 1952 (66 Stat. 184) provides for the exclusion of aliens with political backgrounds which are inimical to the welfare of the United States. *For text* of this section *see* Appendix, page 44.

III. *Chapter 4* of the *Walter-McCarran Immigration Act* of June 27, 1952 (66 Stat. 195–204) provides for a stringent screening process. *For text* of this provision *see* Appendix, page 46.

RESTRICTION OF TAX-EXEMPTION PRIVILEGES OF COMMUNIST EDUCATIONAL AND CHARITABLE ORGANIZATIONS

17. *Committee recommendation.*—Legislation should be enacted to restrict the benefits of certain tax-exemption privileges now extended to a number of Communist fronts posing as educational, charitable, and relief organizations (January 2, 1947).

Action.—*Section 11 (b)* of the *Internal Security Act of 1950* (64 Stat. 997) denies income tax exemptions under § 101 of the Internal Revenue Code, to Communist organizations required to register under § 7 of the Internal Security Act. *For text* of these sections *see* Appendix, pages 39, 36.

SECOND-CLASS MAILING PRIVILEGES OF FOREIGN EMBASSIES

18. *Committee recommendation.*—That the House request, by proper resolution, a report from the Postmaster-General of the United States, setting forth the number of embassies or foreign agencies now enjoying second-class mailing privileges and also specifically identifying such agencies where the respective foreign governments do not accord to our embassies, ministers, and other United States officials equal mailing privileges in those countries, and that proper legislation be enacted

by Congress limiting the use of second-class mailing privileges to such embassies and agencies of those foreign governments which extend reciprocal privileges to the United States Government (January 2, 1947).

Action.—No legislation, but reciprocity is being enforced by the State Department. An illustration appears in Department of State Press Release No. 680, issued December 31, 1953, containing the text of a note delivered to the Rumanian Legation, in which the Secretary of State notified the Legation to cease the publication in the United States of "the Romanian News" and other similar pamphlets published at the expense of the Rumanian Government. This step was taken because the Rumanian Government had on December 29, 1953, banned the distribution in Rumania of a publication issued by our Legation in Bucharest entitled "News from America." *For text* of press release *see* Appendix, page 70.

Two bills were introduced in the 83d Congress (*H. J. Res. 78*, dated January 3, 1953, and *H. J. Res. 110*, dated January 9, 1953) which declare that the policy of the United States is to withhold from representatives of any foreign nation any privilege withheld from representatives of the United States in such nation.

ENGLISH TRANSLATION OF FOREIGN-LANGUAGE NEWSPAPERS

19. *Committee recommendation.*—That legislation be enacted forbidding the use of the United States mails under second-class mailing privileges to any and all newspapers and periodicals printed in any language other than English, which do not carry a full English translation, in parallel columns, next to the foreign-language context (January 2, 1947).

Action.—No legislation.

DENIAL OF SECOND-CLASS MAILING PRIVILEGES TO SUBVERSIVE ORGANIZATIONS

20. *Committee recommendation.*—That legislation be enacted denying the use of second-class mailing privileges to any groups of persons or organizations engaged in the publication, distribution, or promotion of subversive or un-American propaganda (January 2, 1947).

Action.—No legislation, but a bill was introduced in the 82d Congress (*S. 3174*, dated May 14, 1952), and again in the 83d Congress (*H. R. 9244*, dated May 24, 1954) which directed the Postmaster General to deny second-class and bulk-rate third-class mailing privileges to agents of Communist controlled or dominated governments.

As to mailability of such publications, section 10 of the Internal Security Act of 1950 (64 Stat. 996) as amended by section 8 (a) of the Communist Control Act of 1954 (68 Stat. 778) forbids the use of the mails to any Communist organization, which is required to register as such with the Attorney General, unless the publication bears on its wrapper its name and the statement "Disseminated by ---------, a Communist organization." *For text* of this provision, *see* Appendix, page 38.

SECRET MEMBERSHIP IN ORGANIZATIONS

21. *Committee recommendation.*—Legislation designed to prohibit membership in any organization using the United States mails or subject to Federal laws, by persons using an alias or assumed name.

Such legislation should also include a provision which would clearly ban concealed or secret memberships in any such organizations (January 2, 1947).

Action.—*Section 8* of the *Internal Security Act of 1950* (64 Stat. 995) provides for registration with the Attorney General of individuals who are members of Communist-action organizations, and *section 15 (b)* of same Act (64 Stat. 1003) imposes a penalty of $10,000 fine or 5-year imprisonment or both, for false statement on such registration form. *For text* of these sections, *see* Appendix, pages 37 and 43 respectively.

Annual Report of Committee, 80th Congress, 2d Session, Dated December 31, 1948

MUNDT-NIXON BILL

22. *Committee recommendation.*—Legislation modeled substantially after the so-called Mundt-Nixon bill (December 31, 1948).

Action.—The provisions of the Mundt-Nixon bill (H. R. 5852, 80th Cong.) have been incorporated in the *Internal Security Act of 1950* in the following sections, given in the order in which a similar provision appeared in the Mundt-Nixon bill: Sections 7–10 (64 Stat. 993–996), section 5 (64 Stat. 992), section 6 (64 Stat. 993), sections 12–13 (64 Stat. 997–1001), section 14 (64 Stat. 1001), section 11 (64 Stat. 996–997). *For text* of these sections *see* Appendix, pages 35–43.

DEPORTATION OF ALIENS UPON CONVICTION OF CRIMES AGAINST UNITED STATES

23. *Committee recommendation.*—That the espionage laws of the United States be substantially strengthened with special attention to means for returning aliens to other countries upon conviction for crimes against the United States (December 31, 1948).

Action.—*Section 241 (a) (17)* of the *Walter-McCarran Immigration Act* of June 27, 1952 (66 Stat. 207) substantially strengthens the laws concerning deportation of aliens on conviction for crimes against the United States by listing specific acts, the violation of which shall be grounds for deportation. Among these acts are: The Espionage Act of 1917 (40 Stat. 217) as amended (40 Stat. 553), the espionage provisions of the Criminal Code (18 U. S. C. §§ 791, 792, 793, 794, 2388, 3241), the sabotage provisions of the criminal code (18 U. S. C. §§ 2151–2156), the Selective Service Act of 1948 (62 Stat. 604), the Universal Military Training and Service Act (65 Stat. 75), and several others. *For text* of this section *see* Appendix, page 54.

PENALTY FOR CONTEMPT OF CONGRESS

24. *Committee recommendation.*—That the penalties for those properly cited for contempt of Congress be increased to a minimum of 5 years in prison and a $5,000 fine (now $100–$1,000 and 1–12 months, 2 U. S. C. 192) (December 31, 1948).

Action.—No legislation enacted.

STUDY OF IMMIGRATION LAWS

25. *Committee recommendation.*—That our immigration laws and passport-visa regulations be carefully studied to determine what changes are necessary to prevent disloyal elements from entering this country and remaining here (December 31, 1948).

Action.—*Section 401* (*a*) of the *Walter-McCarran Immigration Act* of June 27, 1952 (66 Stat. 274) provides for the Joint Committee on Immigration and Nationality Policy, which is to conduct a continuing study of the administration of the Act and its effect on the national security, etc., of the United States. The Secretary of State and the Attorney General are required to submit all regulations, etc., requested by the committee pertaining to administration of the Act, and the Secretary of State shall consult with the committee from time to time. *For text* of this section *see* Appendix, page 57.

Annual Report of Committee, 81st Congress, 1st Session, for Year 1949 Dated March 15, 1950

[H. Rept. 1950, 81st Cong., 2d Sess.]

STATUTE OF LIMITATIONS IN ESPIONAGE CASES

26. *Committee recommendation.*—That the statute of limitations in espionage cases be amended (March 15, 1950).

Action.—*Sections 4* (*e*) and *19* of the *Internal Security Act of 1950* (64 Stat. 992, 1005) provide for a 10-year statute of limitations for a violation of certain provisions of law concerning espionage, other than violations constituting a capital offense. This replaces the 5-year statute of limitations (18 U. S. C. 3282) which would otherwise prevail. *For text* of these sections *see* Appendix, pages 35 and 43.

LEGAL DEFINITION OF TREASON

27. *Committee recommendation.*—That legal definition of treason and the penalties attached thereto be broadened to cover a period like the present cold war (March 15, 1950).

Action.—No legislation enacted but two bills are now pending in the 85th Congress (H. J. Res. 1, H. J. Res. 53, both dated January 3, 1957) which propose a constitutional amendment to broaden the definition of treason to include adhering to any group which advocates the overthrow by force or violence of the Government of the United States, or in collaborating with any agent of a foreign nation in working for the overthrow or weakening of the Government of the United States, whether or not by force or violence.

ACTIVITIES OF COMMUNIST COUNTRY EMBASSIES

28. *Committee recommendation.*—That activities of embassies of Communist-dominated countries be limited by proper safeguards sternly enforced (March 15, 1950).

Action.—This is now being enforced by the State Department, and restrictions on diplomatic personnel are generally a matter of reciprocity with the various foreign countries. On March 10, 1952, the State Department issued a press release (No. 181) which contains the text of a note from the Secretary of State to the Ambassador of the U. S. S. R., restricting the travel of Soviet officials in the United States

to a 25-mile radius from their base office, without prior permission from the State Department. This action was retaliatory for restrictions placed upon travel of American diplomatic and consular officials in the Soviet Union. *For text* of Press Release No. 181 *see* Appendix, page 68.

EMPLOYMENT OF SUBVERSIVES IN DEFENSE PLANTS—SAFEGUARDS

29. *Committee recommendation.*—Adoption of H. R. 3903 [81st Cong.] providing for safeguards against employment of subversive individuals in defense plants (March 15, 1950).

Action.—*Section 5* of the *Internal Security Act of 1950* (64 Stat. 992) provides that members of a Communist-action organization shall not hold employment in a defense facility, and that members of a Communist-front organization must disclose such membership when seeking or holding employment in a defense facility. *For text* of this section *see* Appendix, page 35.

DETENTION OF UNDEPORTABLE ALIEN COMMUNISTS

30. *Committee recommendation.*—H. R. 10 [81st Cong.], providing for the supervision and detention of undeportable aliens, should be enacted into law in order to deal with thousands of alien Communists refused acceptance by the country of their birth (March 15, 1950).

Action.—*Section 23* "Sec. 20 (b)" of the *Internal Security Act of 1950* (64 Stat. 1011) and the *Act of June 18, 1952* (66 Stat. 138 c. 442) as (both) repealed and superseded by section 242 (c)–(h) of the *Walter-McCarran Immigration Act* (66 Stat. 210–212) provides for detention and supervision of such aliens. *For text* of this section *see* Appendix, page 55.

COMMITTEE QUORUM

31. *Committee recommendation.*—Enactment of legislation creating a presumption of law that a committee quorum, once established, continues to exist.

Action.—No legislation enacted.

SUBVERSIVE ACTIVITIES—COOPERATION BETWEEN BRANCHES OF GOVERNMENT

32. *Committee recommendation.*—Modification of the Executive Order in loyalty and investigative cases, to assure the fullest cooperation between legislative and executive arms of the Government in the matter of dealing with subversive activities (March 15, 1950).

Action.—The Presidential directive of March 13, 1948 (13 F. R. 1359), which provides a confidential status for Federal employee loyalty records, has not been modified. However, Executive Order 10491, dated October 13, 1953 (18 F. R. 6583) directs that a Government employee's refusal to testify before a congressional committee regarding charges of his alleged disloyalty or other misconduct, be taken into consideration when determining whether or not such employee is a security risk. A bill was introduced in the 83d Congress (S. 524) directing the release of personnel files of Federal officers and employees to any congressional committee at the request of such officers and employees. *For text* of directive and Executive order *see* Appendix, pages 62–66.

H. R. 771, dated January 5, 1955, was introduced in the 84th Congress, providing for the removal from his position or office of any Federal employee who fails to answer any question relating to his office or employment or any of his relationships with a foreign government when called upon to do so by a grand jury or any congressional committee. Such employee would also forfeit his right to any future annuity based on his service with the United States Government.

OFFICERS OF LABOR UNIONS UNDER CONTRACT WITH ATOMIC ENERGY COMMISSION AND ARMED SERVICES

33. *Committee recommendation.*—In connection with national defense contracts involving secret and classified work for the Atomic Energy Commission, the Army, Navy, and Air Force, legislation should be enacted which subjects officers of national labor unions having bargaining contracts to the same security standards as members who have access to secret or classified material (March 15, 1950).

Action.—No legislation enacted. However, on February 2, 1955 (amended August 23 and September 23, 1955), the Secretary of Defense issued a regulation (CFR Title 32, part 67 §§ 67.1 through 67.5–5) designated as "Industrial Personnel Security Review Regulation" (20 F. R. 1553, 6213, 7139) which prescribes the uniform standard and criteria for determining the eligibility of contractors, contractor employees, and certain other individuals to have access to classified defense information, and which establishes procedures for denial, suspension, or revocation of the clearance of a contractor or contractor employee.

Annual Report of Committee for 1950, Dated January 2, 1951

[H. Rept. 3249, 81st Cong., 2d Sess.]

SECRETARY OF DEFENSE TO PUT INTO EFFECT SECTION 5 OF INTERNAL SECURITY ACT

34. *Committee recommendation.*—That Congress adopt a resolution calling upon the Secretary of Defense to immediately place in effect the provisions of section 5 of Public Law 831, 81st Congress (Internal Security Act of 1950, 64 Stat. 992) (January 2, 1951).

Note.—This section provides that members of Communist organizations which are registered or with reference to whom there is in effect a final order requiring registration with the Attorney General under the Act, shall not conceal their membership in such organization when seeking or holding employment in a defense facility, and, if such organizations are Communist-action organizations, such members shall not engage in any employment in a defense facility. The Secretary of Defense shall designate and proclaim a list of facilities, to which he thinks these provisions should apply in the interests of our national security. For text of this section see Appendix, page 35.

Action.—In compliance with the subject statute, the Secretary of Defense maintains a current and up-to-date list of defense facilities. This list has not as yet, however, been published in the Federal Register because publication would have no present legal consequences.

Under the statute, when an organization has voluntarily registered or when the Subversive Activities Control Board has determined it to be either a Communist-action or a Communist front organization,

certain consequences follow. Since no organizations have voluntarily registered and since no final order of the Board is in effect (the Communist Party having appealed such order and case not yet finally decided), the Department of Defense has not deemed it prudent to publish a list of vital defense facilities when no immediate purpose would be served thereby. At such time as there are organizations coming within the statutory definitions, the Department will be in a position to promptly publish the required list.

S. 1140, dated February 11, 1957, now pending before the 85th Congress, directs the Secretary of Defense to designate and proclaim a list of defense facilities with respect to which he finds and determines that the security of the United States requires the exclusion of members of Communist organizations, and requires that such list be published in the Federal Register and that the management of any listed facility be notified.

CONTINUOUS STUDY OF SMITH ACT AND SUBVERSIVE ACTIVITIES CONTROL ACT

35. *Committee recommendation.*—That the operation of the Smith Act and the Subversive Activities Control Act be made the subject of continuous study with a view to their effectiveness and improvement (January 2, 1951).

Action.—Senate Resolution 46, 83d Congress, continued the Subcommittee of the Committee on the Judiciary to Investigate the Administration of the Internal Security Act and other Internal Security Laws.

The Act of August 9, 1955 (69 Stat. 595) established the Commission on Government Security, whose function was to investigate the entire Government security program, including the various statutes under which the Government seeks to protect the national security from espionage, disloyalty, and subversive activities, together with the actual manner in which such statutes have been and are being administered.

The Act of July 25, 1956 (70 Stat. 634, ch. 715) extended the Commission on Government Security until September 30, 1957.

WIRETAPPING

36. *Committee recommendation.*—That Congress authorize the use of technical evidence secured during the course of investigations involving espionage, treason, or other crimes involving the security of the United States, to intercept and use as evidence in any criminal proceeding information obtained as the result of technical surveillance (January 2, 1951).

Action.—Although no legislation has been enacted, there are seven bills now pending in the 85th Congress on this subject:

H. R. 104, dated January 3, 1957, prohibits wiretapping except by a court-authorized Federal officer engaged in the investigation of crimes against the security of the United States. Imposes penalties of up to $5,000 or imprisonment up to 10 years or both for violations. Sets out the procedure for such authorized wiretapping.

H. R. 269, dated January 3, 1957, authorizes the admission into evidence of information intercepted in national security investigations in any criminal proceeding in any court established by the

Congress in criminal cases involving interference with national security or defense by treason, sabotage, espionage, etc., if such information is obtained after the issuance of an ex parte order by a Federal judge authorizing the interception.

Provides that no person shall intercept or attempt to intercept any communication by wire or radio, not being authorized in advance by the sender or the recipient thereof, except (1) authorized agents of the United States seeking evidence in accordance with the provisions of this Act, (2) authorized agents of the Federal Bureau of Investigation, etc.

H. R. 1010, dated January 3, 1957, authorizes the admission into evidence of information intercepted in national security investigations in any criminal proceeding in any court established by Congress in criminal cases involving interference with national security or defense by treason, sabotage, espionage, etc., if such information is obtained after the issuance of an ex parte order by a Federal judge authorizing the interception.

H. R. 6340, dated June 24, 1957, authorizes investigative officers of the United States with the approval of the Attorney General, to intercept and disclose under stated conditions wire and radio communications in the detection and prosecution of offenses against the security of the United States.

H. R. 9352, dated August 19, 1957, and *H. R. 9937*, dated January 13, 1958, authorize any security agency, upon express authorization of the Attorney General, to intercept any wire or radio communication specifically authorized, and information so received may be disclosed in the prosecution of an offense against the security of the United States.

S. 2418, dated June 27, 1957, authorizes investigative officers of the United States with the approval of the Attorney General, to intercept and disclose under stated conditions wire and radio communications in the detection and prosecution of offenses against the security of the United States.

ENCOURAGEMENT OF QUALIFIED INFORMANTS AGAINST COMMUNIST MOVEMENT

37. *Committee recommendation.*—Ways and means of stimulating defections from the Communist movement and of encouraging qualified informants (January 2, 1951).

Action.—Although no legislation has been enacted, a bill was introduced in the 82d Congress (*H. R. 5331*, dated September 13, 1951) which authorized the Attorney General to pay awards to any person for any information leading to the arrest and conviction of any Communist who has violated any of the internal security laws of the United States.

AMENDMENT OF TAFT-HARTLEY ACT—NON-COMMUNIST AFFIDAVIT

38. *Committee recommendation.*—Amendment of Taft-Hartley Act to make impossible a situation where a union official formally resigns from the Communist Party and then signs a non-Communist affidavit (January 2, 1951).

Action.—Section 13A (e) of the Communist Control Act of 1954 (68 Stat. 778) as amended by Act of July 26, 1955 (69 Stat. 375 ch. 381) provides that in determining whether an organization is a Communist-infiltrated organization, the National Labor Relations Board shall consider to what extent the management of the organization is conducted by one or more individuals who have been members of a Communist organization within the past 3 years. *For text* of this section, *see* Appendix, page 73. For text of definition of "Communist-infiltrated organization" (68 Stat. 777 § 7 (a)), see Appendix, page 72.

Annual Report of Committee for 1951, Dated February 17, 1952

[H. Rept. 2431, 82d Cong., 2d Sess.]

SINGLE ESPIONAGE STATUTE FOR PEACE AND WAR

39. *Committee recommendation.*—A single comprehensive espionage statute applicable to both peacetime and wartime, carrying a capital-punishment sentence (February 17, 1952).

Action.—Section 201 of the Espionage and Sabotage Act of 1954 (68 Stat. 1219) provides a penalty of death, imprisonment for any term of years, or for life, for the communication or delivery of defense information to a foreign government with intent or reason to believe that it will injure the United States or be of advantage to a foreign government. For text of this provision, see Appendix, page 73.

WIRETAPPING

40. *Committee recommendation.*—Broadening of the rules of admissibility of evidence to permit as evidence the results of wiretapping in matters affecting the national security as well as in such crimes as kidnaping and extortion, and that the judicial branch of the Government should be empowered to authorize the use of such techniques (February 17, 1952).

Action.—Although no legislation has been enacted, there are seven bills now pending in the 85th Congress on this subject:

H. R. 104, dated January 3, 1957, prohibits wiretapping except by a court-authorized Federal officer engaged in the investigation of crimes against the security of the United States. Imposes penalties of up to $5,000 or imprisonment up to 10 years or both for violations. Sets out the procedure for such authorized wiretapping.

H. R. 269, dated January 3, 1957, authorizes the admission into evidence of information intercepted in national security investigations in any criminal proceeding in any court established by Congress in criminal cases involving interference with national security or defense by treason, sabotage, espionage, etc., if such information is obtained after the issuance of an ex parte order by a Federal judge authorizing the interception.

Provides that no person shall intercept or attempt to intercept any communication by wire or radio, not being authorized in advance by the sender or the recipient thereof, except (1) authorized agents of the United States seeking evidence in accordance with the provisions of this Act, (2) authorized agents of the Federal Bureau of Investigation, etc.

H. R. 1010, dated January 3, 1957, authorizes the admission into evidence of information intercepted in national security investigations

in any criminal proceeding in any court established by Congress in criminal cases involving interference with national security or defense by treason, sabotage, espionage, etc., if such information is obtained after the issuance of an ex parte order by a Federal judge authorizing the interception.

H. R. 6340, dated June 24, 1957, authorizes investigative officers of the United States with the approval of the Attorney General, to intercept and disclose under stated conditions wire and radio communications in the detection and prosecution of offenses against the security of the United States.

H. R. 9352, dated August 19, 1957, and *H. R. 9937*, dated January 13, 1958, authorize any security agency, upon express authorization of the Attorney General, to intercept any wire or radio communication specifically authorized, and information so received may be disclosed in the prosecution of an offense against the security of the United States.

S. 2418, dated June 27, 1957, authorizes investigative officers of the United States with the approval of the Attorney General, to intercept and disclose under stated conditions wire and radio communications in the detection and prosecution of offenses against the security of the United States.

IMMUNITY FOR CONGRESSIONAL WITNESSES

41. *Committee recommendation.*—Legislation to effect a greater latitude in granting immunity from prosecution to witnesses appearing before congressional, executive, or judicial hearings (February 17, 1952).

Action.—The Act of August 20, 1954 (68 Stat. 745) authorizes a congressional committee to compel a witness to testify before it and to grant him immunity from prosecution in connection therewith. *For text* of this act, *see* Appendix, page 71.

RESTRICTIONS ON TRAVEL BY SOVIET AND SATELLITE DIPLOMATS

42. *Committee recommendation.*—That reciprocal restrictions be enforced by this country on the travel of Soviet and satellite diplomats (February 17, 1952).

Action.—Such restrictions are now being enforced by the State Department, an example being the note of March 10, 1952, from the Secretary of State to the Soviet Ambassador, restricting the travel of Soviet officials in the United States to a 25-mile radius from their base office, without prior permission from the State Department. This was in retaliation for similar restrictions placed upon the travel of American diplomatic and consular officials in the Soviet Union. *For text* of State Department Press Release No. 181, which contains the text of this note, *see* Appendix, page 68.

RESTRICTION OF AMERICAN TRAVEL IN IRON CURTAIN COUNTRIES

43. *Committee recommendation.*—That at the time of securing a passport, an individual be required to state whether or not he intends to visit a so-called Iron Curtain country, and that if his statement is in the negative, he be prohibited from later visiting such country without American Consular permission (February 17, 1952).

Action.—On *May 1, 1952,* the State Department issued Press Release No. 341 in which it announced that all new passports would be stamped as not valid for travel in Iron Curtain countries unless specifically endorsed by the State Department as valid for such travel. *For text* of press release *see* Appendix, page 70.

On *September 4, 1952,* the State Department issued Departmental Regulation 108.162 (17 F. R. 8013) which forbids issuance of a passport except one limited for direct and immediate return to the United States, to a person, among others, who, regardless of the formal state of his affiliation with the Communist Party, as to whom there is reason to believe that he is going abroad to engage in activities which will advance the Communist movement for the purpose, knowingly and wilfully, of advancing that movement. *For text* of this regulation, *see* Appendix, page 67.

CANCELLATION OF PASSPORT OF PERSON UNDER SUBPENA

44. *Committee recommendation.*—Legislation to provide for the cancellation of the passport in the possession of any United States citizen in a foreign country for whom a subpena has been outstanding for 6 months (February 17, 1952).

Action.—No legislation enacted. However, along these lines, a bill was introduced in the 83d Congress, *S. 3230,* dated *March 31, 1954,* which provided for the expatriation of any national of the United States who refuses to return to the United States to testify before a Federal court, a Federal grand jury, or a committee of Congress.

REVOCATION OF COMMISSION IN ARMED FORCES

45. *Committee recommendation.*—That in any instance where a person holding a commission in the armed services chooses to refuse to answer questions concerning his present or past membership in the Communist Party, such commission shall be immediately revoked. (February 17, 1952.)

Action.—Suspicion of Communist Party membership would be the subject of a court-martial by the branch of the service in which such person held a commission, and each case would be judged on its own merits. (Information furnished by Department of the Air Force.)

New Recommendations in Annual Report of Committee for 1952, Dated December 28, 1952

[H. Rept. 2516, 82d Cong.]

EMERGENCY POWERS OF EXECUTIVE BRANCH IN PRESENT PERIOD

46. *Committee recommendation.*—In matters dealing with internal security, that emergency powers of the executive branch of the Government be placed on a wartime basis in periods such as now exist. (December 28, 1952.)

Action.—*Act of June 30, 1953* (67 Stat. 133 c. 175) extended until 6 months after the termination of the national emergency declared by the President on December 16, 1950, certain wartime provisions relating to sabotage of war materials, espionage, and subversive activities affecting the Armed Forces. *For text* of this act *see* Appendix, page 58.

TRANSPORTATION OF RESTRICTED DOCUMENT IN INTERSTATE COMMERCE

47. *Committee recommendation.*—That it be made a crime for any person to unauthorizedly transport in interstate commerce any Government document falling within a secret, confidential, restricted, or top-secret classification (December 28, 1952).

Action.—No legislation enacted.

Annual Report of Committee for 1953, Dated February 6, 1954

[H. Rept. 1192, 83d Cong., 2d Sess.]

AMENDMENT OF THE SMITH ACT

48. *Committee recommendation.*—That the Smith Act be amended. This amendment, in the field of the law of evidence, should provide that proof of membership in the Communist Party shall constitute prima facie evidence of violation of the Smith Act (February 6, 1954).

Action.—No legislation enacted.

TECHNICAL SURVEILLANCE (WIRETAPPING)

49. *Committee recommendation.*—That legislation be enacted to permit as evidence the results of technical surveillance in matters affecting the national security; provided that adequate safeguards are adopted to protect the civil liberties of all citizens (February 6, 1954).

Action.—Although no legislation has been enacted, there are seven bills now pending in the 85th Congress on this subject:

H. R. 104, dated January 3, 1957, prohibits wiretapping except by a court-authorized Federal officer engaged in the investigation of crimes against the security of the United States. Imposes penalties of up to $5,000 or imprisonment up to 10 years or both for violations. Sets out the procedure for such authorized wiretapping.

H. R. 269, dated January 3, 1957, authorizes the admission into evidence of information intercepted in national security investigations in any criminal proceeding in any court established by Congress in criminal cases involving interference with national security or defense by treason, sabotage, espionage, etc., if such information is obtained after the issuance of an ex parte order by a Federal judge authorizing the interception.

Provides that no person shall intercept or attempt to intercept any communication by wire or radio, not being authorized in advance by the sender or the recipient thereof, except (1) authorized agents of the United States seeking evidence in accordance with the provisions of this Act, (2) authorized agents of the Federal Bureau of Investigation, etc.

H. R. 1010, dated January 3, 1957, authorizes the admission into evidence of information intercepted in national security investigations in any criminal proceeding in any court established by Congress in criminal cases involving interference with national security or defense by treason, sabotage, espionage, etc., if such information is obtained after the issuance of an ex parte order by a Federal judge authorizing the interception.

H. R. 6340, dated June 24, 1957, authorizes investigative officers of the United States with the approval of the Attorney General, to intercept and disclose under stated conditions wire and radio communications in the detection and prosecution of offenses against the security of the United States.

H. R. 9352, dated August 19, 1957, and *H. R. 9937*, dated January 13, 1958, authorize any security agency, upon express authorization of the Attorney General, to intercept any wire or radio communication specifically authorized, and information so received may be disclosed in the prosecution of an offense against the security of the United States.

S. 2418, dated June 27, 1957, authorizes investigative officers of the United States with the approval of the Attorney General, to intercept and disclose under stated conditions wire and radio communications in the detection and prosecution of offenses against the security of the United States.

MISUSE OF THE FIFTH AMENDMENT

50. *Committee recommendation.*—That adequate legislation be enacted to provide against the misuse of the fifth amendment of the Bill of Rights, which misuse prevents the committee from obtaining facts and information necessary to the proper function of the committee (February 6, 1954).

Action.—The Act of August 20, 1954 (68 Stat. 745) authorizes a congressional committee, in a case where a witness pleads the fifth amendment and refuses to testify, to compel him to testify and to grant him immunity from prosecution in connection with such testimony. *For text* of this act, *see* Appendix, page 71.

NON-COMMUNIST OATH BY LABOR OFFICIALS

51. *Committee recommendation.*—A study of the non-Communist oath provision of the Taft-Hartley Act, with the view of strengthening the provision of said act to prevent Communist infiltration into unions (February 6, 1954).

Action.—No legislation exactly in point has been enacted, however section 13A (e) of the Communist Control Act of 1954 (68 Stat. 778) as amended by Act of July 26, 1955 (69 Stat. 375 ch. 381) provides that in determining whether an organization is a Communist-infiltrated organization, the National Labor Relations Board shall consider to what extent the management of the organization is conducted by one or more individuals who have been members of a Communist organization within the past 3 years. *For text* of this section, *see* Appendix, page 73. For text of definition of "Communist-infiltrated organization" (68 Stat. 777, § 7 (a)), see Appendix, page 72.

TRANSPORTATION OF RESTRICTED DOCUMENT IN INTERSTATE COMMERCE

52. *Committee recommendation.*—That it be made a crime for any person to unauthorizedly transport in interstate commerce any Government document falling within a secret, confidential, restricted, or top-secret classification (February 6, 1954).

Action.—No legislation enacted.

DENIAL OF SECOND-CLASS MAILING PRIVILEGES TO SUBVERSIVE PUBLICATIONS

53. *Committee recommendation.*—That legislation be enacted forbidding the use of the United States mails under second-class mailing privileges to subversive publications emanating either from foreign sources or from sources within the borders of the United States. It is also recommended that the Internal Security Act of 1950 be amended to permit the citing of said publications as subversive (February 6 1954).

Action.—No legislation has been enacted, but a bill was introduced in the 83d Congress (*H. R. 9294*, dated May 24, 1954) which directed the Postmaster General to deny second-class mailing privileges for the entry of Communist mail.

As to mailability of such publications, section 10 of the Internal Security Act of 1950 (64 Stat. 996) as amended by section 8 (a) of the Communist Control Act of 1954 (68 Stat. 778) forbids the use of the mails to any Communist organization, which is required to register as such with the Attorney General, unless the publication bears on its wrapper its name and the statement "Disseminated by _____, a Communist organization." *For text* of this provision, *see* Appendix, page 38.

FOREIGN AGENTS' REGISTRATION

54. *Committee recommendation.*—That the Foreign Agents Registration Act of 1938 be re-examined to determine its effectiveness in controlling and exposing subversive activities (February 6, 1954).

Action.—The Foreign Agents' Registration Act of 1938 has been amended by the Act of August 1, 1956 (70 Stat. 899) which requires the registration of certain persons who have knowledge of or have received instruction or assignment in espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party. *For text* of this provision, *see* Appendix, page 74.

REVOCATION OF COMMISSION IN ARMED FORCES

55. *Committee recommendation.*—That in any instance where a person holding a commission in the armed services chooses to refuse to answer questions concerning his present or past membership in the Communist Party, such commission shall be immediately revoked. (February 6, 1954).

Action.—Suspicion of Communist Party membership would be the subject of a court-martial by the branch of the service in which such person held a commission, and each case would be judged on its own merits. (Information furnished by Department of the Air Force.)

Annual Report of Committee for 1954, Dated January 26, 1955

[H. Rept. 57, 84th Cong., 1st Sess.]

AMENDMENT OF THE SMITH ACT

56. *Committee recommendation.*—That the Smith Act be amended. This amendment, in the field of the law of evidence, should provide that proof of membership in the Communist Party shall constitute prima facie evidence of violation of the Smith Act (January 26, 1955).

Action.—No legislation enacted.

TECHNICAL SURVEILLANCE (WIRETAPPING)

57. *Committee recommendation.*—That legislation be enacted to permit as evidence the results of technical surveillance in matters affecting the national security; provided that adequate safeguards are adopted to protect the civil liberties of all citizens (January 26, 1955).

Action.—Although no legislation has been enacted, there are seven bills now pending in the 85th Congress on this subject:

H. R. 104, dated January 3, 1957, prohibits wiretapping except by a court-authorized Federal officer engaged in the investigation of crimes against the security of the United States. Imposes penalties of up to $5,000 or imprisonment up to 10 years or both for violations. Sets out the procedure for such authorized wiretapping.

H. R. 269, dated January 3, 1957, authorizes the admission into evidence of information intercepted in national security investigations in any criminal proceeding in any court established by Congress in criminal cases involving interference with national security or defense by treason, sabotage, espionage, etc., if such information is obtained after the issuance of an ex parte order by a Federal judge authorizing the interception.

Provides that no person shall intercept or attempt to intercept any communication by wire or radio, not being authorized in advance by the sender or the recipient thereof, except (1) authorized agents of the United States seeking evidence in accordance with the provisions of this Act, (2) authorized agents of the Federal Bureau of Investigation, etc.

H. R. 1010, dated January 3, 1957, authorizes the admission into evidence of information intercepted in national security investigations in any criminal proceeding in any court established by Congress in criminal cases involving interference with national security or defense by treason, sabotage, espionage, etc., if such information is obtained after the issuance of an ex parte order by a Federal judge authorizing the interception.

H. R. 6340, dated June 24, 1957, authorizes investigative officers of the United States with the approval of the Attorney General, to intercept and disclose under stated conditions wire and radio communications in the detection and prosecution of offenses against the security of the United States.

H. R. 9352, dated August 19, 1957, and *H. R. 9937*, dated January 13, 1958, authorize any security agency, upon express authorization of the Attorney General, to intercept any wire or radio communication specifically authorized, and information so received may be disclosed in the prosecution of an offense against the security of the United States.

S. 2418, dated June 27, 1957, authorizes investigative officers of the United States with the approval of the Attorney General, to intercept and disclose under stated conditions wire and radio communications in the detection and prosecution of offenses against the security of the United States.

TRANSPORTATION OF RESTRICTED DOCUMENT IN INTERSTATE COMMERCE

58. *Committee recommendation.*—That it be made a crime for any person to unauthorizedly transport in interstate commerce any

Government document falling within a secret, confidential, restricted, or top-secret classification (January 26, 1955).

Action.—No legislation enacted.

DENIAL OF SECOND-CLASS MAILING PRIVILEGES TO SUBVERSIVE PUBLICATIONS

59. *Committee recommendation.*—That legislation be enacted forbidding the use of the United States mails under second-class mailing privileges to subversive publications emanating either from foreign sources or from sources within the borders of the United States. It is also recommended that the Internal Security Act of 1950 be amended to permit the citing of said publications as subversive (January 26, 1955).

Action.—No legislation has been enacted.

FOREIGN AGENTS' REGISTRATION

60. *Committee recommendation.*—That the Foreign Agents' Registration Act of 1938 be re-examined to determine its effectiveness in controlling and exposing subversive activities (January 26, 1955).

Action.—The Foreign Agents' Registration Act of 1938 has been amended by the Act of August 1, 1956 (70 Stat. 899) which requires the registration of certain persons who have knowledge of or have received instruction or assignment in espionage, counter-espionage, or sabotage service or tactics of a foreign government or foreign political party. *For text* of this provision, *see* Appendix, page 74.

AFFIDAVIT OF GOVERNMENT CONTRACTOR

61. *Committee recommendations.*—That appropriate legislation be enacted requiring an affidavit by any person bidding for a Government contract, that he is not now and has not been within the past 10 years a member of any organization advocating the overthrow of the Government by force and violence (January 26, 1955).

Action.—No legislation enacted. However, on February 2, 1955 (amended August 23 and September 23, 1955), the Secretary of Defense issued a regulation (CFR Title 32, part 67 §67.1 through 67.5–5) designated as "Industrial Personnel Security Review Regulation" (20 F. R. 1553, 6213, 7139) which prescribes the uniform standard and criteria for determining the eligibility of contractors, contractor employees, and certain other individuals to have access to classified defense information, and which establishes procedures for denial, suspension, or revocation of the clearance of a contractor or contractor employee.

Annual Report of Committee for 1955, Dated January 11, 1956

[H. Rept. 1648, 84th Cong., 2d Sess.]

TECHNICAL SURVEILLANCE (WIRETAPPING)

62. *Committee recommendation.*—Information obtained through surveillance by technical devices should be permitted as evidence in matters affecting the national security, with the provision that adequate safeguards are adopted to prevent any abuse of civil liberties (January 11, 1956).

Action.—Although no legislation has been enacted, there are seven bills now pending in the 85th Congress on this subject:

H. R. 104, dated January 3, 1957, prohibits wiretapping except by a court-authorized Federal officer engaged in the investigation of crimes against the security of the United States. Imposes penalties of up to $5,000 or imprisonment up to 10 years or both for violations. Sets out the procedure for such authorized wiretapping.

H. R. 269, dated January 3, 1957, authorizes the admission into evidence of information intercepted in national security investigations in any criminal proceeding in any court established by Congress in criminal cases involving interference with national security or defense by treason, sabotage, espionage, etc., if such information is obtained after the issuance of an ex parte order by a Federal judge authorizing the interception.

Provides that no person shall intercept or attempt to intercept any communication by wire or radio, not being authorized in advance by the sender or the recipient thereof, except (1) authorized agents of the United States seeking evidence in accordance with the provisions of this Act, (2) authorized agents of the Federal Bureau of Investigation, etc.

H. R. 1010, dated January 3, 1957, authorizes the admission into evidence of information intercepted in national security investigations in any criminal proceeding in any court established by Congress in criminal cases involving interference with national security or defense by treason, sabotage, espionage, etc., if such information is obtained after the issuance of an ex parte order by a Federal judge authorizing the interception.

H. R. 6340, dated June 24, 1957, authorizes investigative officers of the United States with the approval of the Attorney General, to intercept and disclose under stated conditions wire and radio communications in the detection and prosecution of offenses against the security of the United States.

H. R. 9352, dated August 19, 1957, and *H. R. 9937*, dated January 13, 1958, authorize any security agency, upon express authorization of the Attorney General, to intercept any wire or radio communication specifically authorized, and information so received may be disclosed in the prosecution of an offense against the security of the United States.

S. 2418, dated June 27, 1957, authorizes investigative officers of the United States with the approval of the Attorney General, to intercept and disclose under stated conditions wire and radio communications in the detection and prosecution of offenses against the security of the United States.

TRANSPORTATION OF RESTRICTED DOCUMENT IN INTERSTATE COMMERCE

63. *Committee recommendation.*—The unauthorized transportation in interstate commerce of Government documents falling within a top secret, secret, or confidential classification should be made a criminal offense (January 11, 1956).

Action.—No legislation enacted.

AFFIDAVIT OF GOVERNMENT CONTRACTOR

64. *Committee recommendation.*—Person bidding for a Government contract should be required to file an affidavit stating that he is not now and has not been within the past 10 years a member of any organization advocating overthrow of the Government by force and violence (January 11, 1956).

Action.—No legislation enacted. However, there is a bill now pending in the 85th Congress which provides for security clearance of Government contractors who have access to classified data (H. R. 9352, Chs. 5, 7, dated August 19, 1957).

STATUTE OF LIMITATIONS ON SUBVERSIVE ACTIVITIES

65. *Committee recommendation.*—The statute of limitations on treason, espionage, sabotage, and other subversive activities should be amended to permit prosecution up to 15 years from the time of commission of the crime (January 11, 1956).

Action.—No legislation enacted. However, there are 3 bills now pending before the 85th Congress (*S. 1254*, dated February 18, 1957, H. R. 9352, dated August 19, 1957, "§ 11 (a)" and H. R. 9937, dated January 13, 1958 "§ 310 (a)") which increase the limitation on prosecution of treason, espionage, sabotage, sedition, and subversive activities, so that these crimes may be prosecuted within 15 years from the time of commission of the crime.

STATUTE OF LIMITATIONS FOR FALSE STATEMENTS BY FEDERAL EMPLOYEES REGARDING SUBVERSIVE ACTIVITIES

66. *Committee recommendation.*—That the statute of limitations for violation of section 1001 or section 1621 of Title 18, United States Code, dealing with false statements in regard to subversive activities and connections, should be extended to 10 years from commission of the offense by employees of the United States or any department or agency thereof, or any applicant for such employment (January 11, 1956).

Action.—No legislation was enacted. However, a bill (*S. 374*, 84th Congress) was reported in the Senate on June 5, 1956, which extended the period of limitation to 6 years, as applied to the prosecution of a Federal employee or an applicant for such employment, who in connection with any statement on subversive activities and connections violates section 1001 (false statements) or section 1621 (perjury) of Title 18 of the United States Code. If such person becomes a Federal officer or employee within 1 year from the date of the application in which he made such false statements, he may be prosecuted within 6 years after he ceases to be a Federal officer or employee.

INCREASED PENALTIES FOR SEDITIOUS CONSPIRACY

67. *Committee recommendation.*—That the maximum penalty for seditious conspiracy, advocating overthrow of the Government, and conspiracy to so advocate, should be increased to $20,000 in fines and 20 years' imprisonment, in order to provide a more realistic punishment for crimes of such gravity (January 11, 1956).

Action.—The Act of July 24, 1956 (70 Stat. 623, ch. 678) contains exactly such provisions. *For text* of this Act, *see* Appendix, page 74.

REGISTRATION OF PERSONS WITH TRAINING IN ESPIONAGE

68. *Committee recommendation.*—Prompt enactment of H. R. 3882, revising existing law to require registration of persons with knowledge of or training in espionage, counterespionage, or sabotage tactics of a foreign government (January 11, 1956).

Action.—This law was enacted on August 1, 1956 as P. L. 893, 84th Congress (70 Stat. 899, ch. 849). *For text, see* Appendix, page 74.

COMPULSORY TESTIMONY IN CONGRESSIONAL INVESTIGATIONS

69. *Committee recommendation.*—Procedures by which congressional committees seek legal redress against contemptuous witnesses should be streamlined in the manner proposed by H. R. 780, 84th Congress, which permits congressional committees, by majority vote, to refer a defiant witness directly to the courts (January 11, 1956).

Action.—H. R. 259, dated January 3, 1957, containing similar provisions, was introduced in the 85th Congress, but was objected to in the House on March 4, 1957.

CONTRADICTORY STATEMENTS UNDER OATH TO BE PUNISHED AS PERJURY

70. *Committee recommendation.*—That wilfully contradictory statements made by a witness before Federal grand juries, Federal courts, or congressional bodies should be punishable as perjury without the present requirement that the Government prove which of the statements is false (January 11, 1956).

Action.—Although no legislation has been enacted, there is at present pending before the 85th Congress, H. R. 282, dated January 3, 1957, which extends the law of perjury to the wilful giving of contradictory statements under oath within 3 years of each other, before a grand jury or during the trial of any case.

DETENTION OF DEPORTABLE ALIENS

71. *Committee recommendation.*—That the Attorney General continue his efforts for stricter enforcement of section 242 of the Walter-McCarran Immigration and Nationality Act, providing for the detention of aliens whose deportation has not been effected.

Action.—On December 6, 1957, the Attorney General strengthened the regulations regarding pending deportation proceedings by interpreting § 318 to mean that an order to show cause which is issued by district or deputy district officers for the commencement of a deportation proceeding, shall be regarded as a warrant of arrest (8 CFR, 1958 revision, § 318.1).

Annual Report of Committee for 1956, Dated January 2, 1957

[H. Rept. 53, 85th Cong., 1st Sess.]

TECHNICAL SURVEILLANCE (WIRETAPPING)

72. *Committee recommendation.*—Information obtained through surveillance by technical devices should be permitted as evidence in matters affecting the national security, with the provision that adequate safeguards are adopted to prevent any abuse of civil liberties (January 2, 1957).

Action.—Although no legislation has been enacted, there are seven bills now pending in the 85th Congress on this subject:

H. R. 104, dated January 3, 1957, prohibits wiretapping except by a court-authorized Federal officer engaged in the investigation of crimes against the security of the United States. Imposes penalties of up to $5,000 or imprisonment up to 10 years or both for violations. Sets out the procedure for such authorized wiretapping.

H. R. 269, dated January 3, 1957, authorizes the admission into evidence of information intercepted in national security investigations in any criminal proceeding in any court established by Congress in criminal cases involving interference with national security or defense by treason, sabotage, espionage, etc., if such information is obtained after the issuance of an ex parte order by a Federal judge authorizing the interception.

Provides that no person shall intercept or attempt to intercept any communication by wire or radio, not being authorized in advance by the sender or the recipient thereof, except (1) authorized agents of the United States seeking evidence in accordance with the provisions of this Act, (2) authorized agents of the Federal Bureau of Investigation, etc.

H. R. 1010, dated January 3, 1957, authorizes the admission into evidence of information intercepted in national security investigations in any criminal proceeding in any court established by Congress in criminal cases involving interference with national security or defense by treason, sabotage, espionage, etc., if such information is obtained after the issuance of an ex parte order by a Federal judge authorizing the interception.

H. R. 6340, dated June 24, 1957, authorizes investigative officers of the United States with the approval of the Attorney General, to intercept and disclose under stated conditions wire and radio communications in the detection and prosecution of offenses against the security of the United States.

H. R. 9352, dated August 19, 1957, and *H. R. 9937*, dated January 13, 1958, authorize any security agency, upon express authorization of the Attorney General, to intercept any wire or radio communication specifically authorized, and information so received may be disclosed in the prosecution of an offense against the security of the United States.

S. 2418, dated June 27, 1957, authorizes investigative officers of the United States with the approval of the Attorney General, to intercept and disclose under stated conditions wire and radio communications in the detection and prosecution of offenses against the security of the United States.

TRANSPORTATION OF RESTRICTED DOCUMENT IN INTERSTATE COMMERCE

73. *Committee recommendation.*—The unauthorized transportation in interstate commerce of Government documents falling within a top secret, secret, or confidential classification should be made a criminal offense (January 2, 1957).

Action.—No legislation enacted.

AFFIDAVIT OF GOVERNMENT CONTRACTOR

74. *Committee recommendation.*—Person bidding for a Government contract should be required to file an affidavit stating that he is not now and has not been within the past 10 years a member of any organization advocating overthrow of the Government by force and violence (January 2, 1957).

Action.—No legislation enacted. However, there is a bill now pending in the 85th Congress which provides for security clearance of Government contractors who have access to classified data (H. R. 9352, Chs. 5, 7, dated August 19, 1957).

STATUTE OF LIMITATIONS ON SUBVERSIVE ACTIVITIES

75. *Committee recommendation.*—The statute of limitations for prosecution of the offenses of treason, espionage, sabotage, and other subversive activities should be amended so as to permit prosecutions for a period not to exceed 15 years from the time of the commission of the offense (January 2, 1957).

Action.—No legislation enacted. However, there are 3 bills now pending before the 85th Congress (*S. 1254*, dated February 18, 1957, *H. R. 9352*, dated August 19, 1957, "§ 11 (a)" and *H. R. 9937*, dated January 13, 1958 "§ 310 (a)") which increase the limitation on prosecution of treason, espionage, sabotage, sedition, and subversive activities, so that these crimes may be prosecuted within 15 years from the time of commission of the crime.

STATUTE OF LIMITATIONS FOR FALSE STATEMENTS REGARDING SUBVERSIVE ACTIVITIES

76. *Committee recommendation.*—The present statute of limitations for prosecution of offenses committed in violation of Title 18, United States Code, section 1001 or 1621, dealing with false statements and perjury, should be extended to 10 years when involving subversive activities and connections, and in instances where a person becomes an officer or employee of the United States or of any department or agency thereof, or of any corporation, the stock of which is owned in whole or in part by the United States, or any department or agency thereof, such person should be prosecuted, tried, and punished for such offense at any time within 10 years after such person has ceased to be employed as such officer or employee (January 2, 1957).

Action.—No legislation enacted.

INCREASED PENALTIES FOR SEDITIOUS CONSPIRACY

77. *Committee recommendation.*—That a more realistic punishment for crimes of such gravity as those involving seditious conspiracy, advocating overthrow of the Government, and conspiracy to advocate overthrow of the Government, should be provided. Title 18, United States Code, section 2384, involving seditious conspiracy, should provide a maximum penalty of a fine of not more than $20,000 or imprisonment of not more than 10 years, or both. Title 18, United States Code, section 2385, involving advocating overthrow of the Government, should provide a maximum penalty of a fine of $20,000 or imprisonment of not more than 20 years, or both (January 2, 1957).

Action.—The Act of July 24, 1956 (70 Stat. 623 ch. 678) increases the penalties for the above-mentioned offenses to a maximum fine of $20,000 or imprisonment for 20 years, or both. *For text* of this provision, *see* Appendix, page 74.

CONTRADICTORY STATEMENTS UNDER OATH TO BE PUNISHED AS PERJURY

78. *Committee recommendation.*—That wilfully contradictory statements made by a witness before Federal grand juries, Federal courts, or congressional bodies should be punishable as perjury without the present requirement that the Government prove which of the statements is false (January 2, 1957).

Action.—Although no legislation has been enacted, there is at present pending before the 85th Congress, H. R. 282, dated January 3, 1957, which extends the law of perjury to the wilful giving of contradictory statements under oath within 3 years of each other, before a grand jury or during the trial of any case.

NEW LEGISLATION AGAINST THE FUNCTIONING OF THE COMMUNIST PARTY

79. *Committee recommendation.*—That until final disposition is made by the Supreme Court of the issues raised in the case of the *Communist Party* v. *Subversive Activities Control Board*, 351 U. S. 115, legislative recommendations in this specific field should be withheld (January 2, 1957).

Note.—As the case now stands, no final determination has yet been made on the issues raised. The latest action was a ruling by Judge Prettyman, CA DC, on January 9, 1958, that, relying on the Jencks rule (353 U. S. 657), the Communist Party is entitled to examine a previous written report submitted to the Federal Bureau of Investigation by a Government witness testifying at the Subversive Activities Control Board hearing on the Party's protest against listing as a "Communist-action organization." (26 Law Week 2332).

PART II

A SUMMARY OF 17 PRINCIPAL PROVISIONS OF "THE INTERNAL SECURITY AMENDMENTS ACT OF 1958" (H. R. 9937)

"The Internal Security Amendments Act of 1958" (H. R. 9937) amends the Internal Security Act of 1950 by:

(1) Precluding abatement of proceedings before the Subversive Activities Control Board by reason of the dissolution, reorganization, or change of name of a respondent organization. The purpose of this amendment is to counter the Communist technique of changing the name of formal, technical structure of an organization in order to avoid the consequences of an adverse finding by the Subversive Activities Control Board.

(2) Making it a misdemeanor for any person to misbehave before congressional committees.

(3) Prohibiting Communist lawyers from practicing before executive departments and congressional committees.

(4) Redefining the term "organize" (as used in the Smith Act). The purpose of this amendment is to overcome the effect of the decision of the Supreme Court in the Yates case which construed the term "organize" to mean only the original formation of a group.

(5) Permitting the enforcement in State courts of State sedition statutes. The purpose of this amendment is to overcome the effect of the decision of the Supreme Court in the Nelson case nullifying State sedition statutes.

(6) Protecting the security of confidential Government files. During the 1st session of the 85th Congress, Public Law 85–269, was enacted in an attempt to overcome the effect of the decision of the Supreme Court in the *Jencks* case. Public Law 85–269 is applicable only to criminal cases, whereas the amendment in the omnibus security bill is applicable to any proceeding (i. e., income tax, claim cases) as well as criminal proceedings in which confidential Government files may be subject to disclosure. Under Public Law 85–269, moreover, the test of admissibility is relevancy, while under the omnibus security bill the test of admissibility in the first instance is whether or not the security of the United States would be jeopardized.

(7) Permitting, under safeguards, disclosure of certain intercepted security information.

(8) Prohibiting the unauthorized disclosure of certain defense information.

(9) Making it an offense to use a false name for the purpose of procuring employment in defense facilities.

(10) Extending the statute of limitations for certain seditious and subversive activities.

(11) Expanding the provisions of the Foreign Agents Registration Act by—

(a) Bringing within the coverage of the definition of "foreign principal" an organization which is "supervised, directed, controlled, or financed in whole or in part, by any foreign government or foreign political party," regardless of whether the organization is supervised by a foreign government.

(b) Including within the registration requirements of the Foreign Agents Registration Act persons who have used the existing exemption for certain commercial activities to disseminate propaganda.

(c) Eliminating cumbersome criteria pertaining to the form of political propaganda subject to the provisions of the Act.

(d) Establishing in the Bureau of Customs an office of a comptroller of foreign propaganda and fixing responsibility for the control of foreign political propaganda.

(12) Permitting immigration officers to be detailed for duty in foreign countries and empowering such officers to exercise certain functions with respect to issuance of visas.

(13) Permitting the detention and supervision of certain aliens under order of deportation.

(14) Requiring the Attorney General to report to the Congress certain waivers in the administration of the immigration laws.

(15) Canceling naturalization procured illegally, by concealment of a material fact or by willful misrepresentation.

(16) Revoking citizenship to one who becomes a part of the official apparatus of a Communist country without the consent of the United States Government.

(17) Strengthening passport security and travel control by—

(a) Prohibiting travel in violation of passport regulations even though there may be no technical state of war.

(b) Precluding the issuance of passports to persons concerning whom there is reasonable ground to believe that they are going abroad for the purpose of engaging in activities which will further the aims and objectives of the Communist Party, or other subversive groups.

(c) Authorizing the withholding of passports to persons whose activities abroad would violate the laws of the United States, be prejudicial to the orderly conduct of foreign relations or be prejudicial to the interests of the United States.

APPENDIX TO PART I

Internal Security Act of 1950 (64 Stat. 987–1019)

Statute of Limitations in Espionage Cases

SEC. 4. (e) Any person may be prosecuted, tried, and punished for any violation of this section at any time within ten years after the commission of such offense, notwithstanding the provisions of any other statute of limitations: *Provided*, That if at the time of the commission of the offense such person is an officer or employee of the United States or of any department or agency thereof, or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, such person may be prosecuted, tried, and punished for any violation of this section at any time within ten years after such person has ceased to be employed as such officer or employee.

EMPLOYMENT OF MEMBERS OF COMMUNIST ORGANIZATIONS

SEC. 5. (a) When a Communist organization, as defined in paragraph (5) of section 3 of this title, is registered or there is in effect a final order of the Board requiring such organization to register, it shall be unlawful—

(1) For any member of such organization, with knowledge or notice that such organization is so registered or that such order has become final—

(A) in seeking, accepting, or holding any nonelective office or employment under the United States, to conceal or fail to disclose the fact that he is a member of such organization; or

(B) to hold any nonelective office or employment under the United States; or

(C) in seeking, accepting, or holding employment in any defense facility, to conceal or fail to disclose the fact that he is a member of such organization; or

(D) if such organization is a Communist-action organization, to engage in any employment in any defense facility; or

(E) to hold office or employment with any labor organization (68 Stat. 777, § 6).

(2) For any officer or employee of the United States or of any defense facility, with knowledge or notice that such organization is so registered or that such order has become final—

(A) to contribute funds or services to such organizations; or

(B) to advise, counsel or urge any person, with knowledge or notice that such person is a member of such organization, to perform, or to omit to perform, any act if such act or omission would constitute a violation of any provision of subparagraph (1) of this subsection.

(b) The Secretary of Defense is authorized and directed to designate and proclaim, and from time to time revise, a list of facilities, as defined in paragraph (7) of section 3 of this title, with respect to the operation of which he finds and determines that the security of the United States requires the application of the provisions of subsection (a) of this section. The Secretary shall cause such list as designated and proclaimed, or any revision thereof, to be promptly published in the Federal Register, and shall promptly notify the management of any facility so listed; whereupon such management shall immediately post conspicuously, and thereafter while so listed keep posted, notice of such designation in such form and in such place or places as to give reasonable notice thereof to all employees of, and to all applicants for employment in, such facility.

(c) As used in this section, the term "member" shall not include any individual whose name has not been made public because of the prohibition contained in section 9 (b) of this title.

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DENIAL OF PASSPORTS TO MEMBERS OF COMMUNIST ORGANIZATIONS

SEC. 6. (a) When a Communist organization as defined in paragraph (5) of section 3 of this title is registered, or there is in effect a final order of the Board requiring such organization to register, it shall be unlawful for any member of such organization, with knowledge or notice that such organization is so registered or that such order has become final—

(1) to make application for a passport, or the renewal of a passport, to be issued or renewed by or under the authority of the United States; or

(2) to use or attempt to use any such passport.

(b) When an organization is registered, or there is in effect a final order of the Board requiring an organization to register, as a Communist-action organization, it shall be unlawful for any officer or employee of the United States to issue a passport to, or renew the passport of, any individual knowing or having reason to believe that such individual is a member of such organization.

REGISTRATION AND ANNUAL REPORTS OF COMMUNIST ORGANIZATIONS

SEC. 7. (a) Each Communist-action organization (including any organization required, by a final order of the Board, to register as a Communist-action organization) shall, within the time specified in subsection (c) of this section, register with the Attorney General, on a form prescribed by him by regulations, as a Communist-action organization.

(b) Each Communist-front organization (including any organization required, by a final order of the Board, to register as a Communist-front organization) shall, within the time specified in subsection (c) of this section, register with the Attorney General, on a form prescribed by him by regulations, as a Communist-front organization.

(c) The registration required by subsection (a) or (b) shall be made—

(1) in the case of an organization which is a Communist-action organization or a Communist-front organization on the date of the enactment of this title, within thirty days after such date;

(2) in the case of an organization becoming a Communist-action organization or a Communist-front organization after the date of the enactment of this title, within thirty days after such organization becomes a Communist-action organization or a Communist-front organization, as the case may be; and

(3) in the case of an organization which by a final order of the Board is required to register, within thirty days after such order becomes final.

(d) The registration made under subsection (a) or (b) shall be accompanied by a registration statement, to be prepared and filed in such manner and form as the Attorney General shall by regulations prescribe, containing the following information:

(1) The name of the organization and the address of its principal office.

(2) The name and last-known address of each individual who is at the time of filing of such registration statement, and of each individual who was at any time during the period of twelve full calendar months next preceding the filing of such statement, an officer of the organization, with the designation or title of the office so held, and with a brief statement of the duties and functions of such individual as such officer.

(3) An accounting, in such form and detail as the Attorney General shall by regulations prescribe, of all moneys received and expended (including the sources from which received and the purposes for which expended) by the organization during the period of twelve full calendar months next preceding the filing of such statement.

(4) In the case of a Communist-action organization, the name and last known address of each individual who was a member of the organization at any time during the period of twelve full calendar months preceding the filing of such statement.

(5) In the case of any officer or member whose name is required to be shown in such statement, and who uses or has used or who is or has been known by more than one name, each name which such officer or member uses or has used or by which he is known or has been known.

(e) It shall be the duty of each organization registered under this section to file with the Attorney General on or before February 1 of the year following

the year in which it registers, and on or before February 1 of each succeeding year, an annual report, prepared and filed in such manner and form as the Attorney General shall by regulations prescribe, containing the same information which by subsection (d) is required to be included in a registration statement, except that the information required with respect to the twelve-month period referred to in paragraph (2), (3), or (4) of such subsection shall, in such annual report, be given with respect to the calendar year preceding the February 1 on or before which such annual report must be filed.

(f) (1) It shall be the duty of each organization registered under this section to keep, in such manner and form as the Attorney General shall by regulations prescribe, accurate records and accounts of moneys received and expended (including the sources from which received and purposes for which expended) by such organization.

(2) It shall be the duty of each Communist-action organization registered under this section to keep, in such manner and form as the Attorney General shall by regulations prescribe, accurate records of the names and addresses of the members of such organization and of persons who actively participate in the activities of such organization.

(g) It shall be the duty of the Attorney General to send to each individual listed in any registration statement or annual report, filed under this section, as an officer or member of the organization in respect of which such registration statement or annual report was filed, a notification in writing that such individual is so listed; and such notification shall be sent at the earliest practicable time after the filing of such registration statement or annual report. Upon written request of any individual so notified who denies that he holds any office or membership (as the case may be) in such organization, the Attorney General shall forthwith initiate and conclude at the earliest practicable time an appropriate investigation to determine the truth or falsity of such denial, and, if the Attorney General shall be satisfied that such denial is correct, he shall thereupon strike from such registration statement or annual report the name of such individual. If the Attorney General shall decline or fail to strike the name of such individual from such registration statement or annual report within five months after receipt of such written request, such individual may file with the Board a petition for relief pursuant to section 13 (b) of this title.

(h) In the case of failure on the part of any organization to register or to file any registration statement or annual report as required by this section, it shall be the duty of the executive officer (or individual performing the ordinary and usual duties of an executive officer) and of the secretary (or individual performing the ordinary and usual duties of a secretary) of such organization, and of such officer or officers of such organization as the Attorney General shall by regulations prescribe, to register for such organization, to file such registration statement, or to file such annual report, as the case may be.

REGISTRATION OF MEMBERS OF COMMUNIST-ACTION ORGANIZATIONS

SEC. 8. (a) Any individual who is or becomes a member of any organization concerning which (1) there is in effect a final order of the Board requiring such organization to register under section 7 (a) of this title as a Communist-action organization, (2) more than thirty days have elapsed since such order has become final, and (3) such organization is not registered under section 7 of this title as a Communist-action organization, shall within sixty days after said order has become final, or within thirty days after becoming a member of such organization, whichever is later, register with the Attorney General as a member of such organization.

(b) Each individual who is or becomes a member of any organization which he knows to be registered as a Communist-action organization under section 7 (a) of this title, but to have failed to include his name upon the list of members thereof filed with the Attorney General, pursuant to the provisions of subsections (d) and (e) of section 7 of this title, shall, within sixty days after he shall have obtained such knowledge, register with the Attorney General as a member of such organization.

(c) The registration made by any individual under subsection (a) or (b) of this section shall be accompanied by a registration statement to be prepared and filed in such manner and form, and containing such information, as the Attorney General shall by regulations prescribe.

KEEPING OF REGISTERS; PUBLIC INSPECTION; REPORTS TO PRESIDENT AND CONGRESS

SEC. 9. (a) The Attorney General shall keep and maintain separately in the Department of Justice—

(1) a "Register of Communist-Action Organizations", which shall include (A) the names and addresses of all Communist-action organizations registered under section 7, (B) the registration statements and annual reports filed by such organizations thereunder, and (C) the registration statements filed by individuals under section 8; and

(2) a "Register of Communist-Front Organizations", which shall include (A) the names and addresses of all Communist-front organizations registered under section 7, and (B) the registration statements and annual reports filed by such organizations thereunder.

(b) Such registers shall be kept and maintained in such manner as to be open for public inspection: *Provided*, That the Attorney General shall not make public the name of any individual listed in either such register as an officer or member of any Communist organization until sixty days shall have elapsed after the transmittal of the notification required by section 7 (g) to be sent to such individual, and if prior to the end of such period such individual shall make written request to the Attorney General for the removal of his name from any such list, the Attorney General shall not make public the name of such individual until six months shall have elapsed after receipt of such request by the Attorney General, or until thirty days shall have elapsed after the Attorney General shall have denied such request and shall have transmitted to such individual notice of such denial, whichever is earlier.

(c) The Attorney General shall submit to the President and to the Congress on or before June 1 of each year (and at any other time when requested by either House by resolution) a report with respect to the carrying out of the provisions of this title, including the names and addresses of the organizations listed in such registers and (except to the extent prohibited by subsection (b) of this section) the names and addresses of the individuals listed as members of such organizations.

(d) Upon the registration of each Communist organization under the provisions of this title, the Attorney General shall publish in the Federal Register the fact that such organization has registered as a Communist-action organization, or as a Communist-front organization, as the case may be, and the publication thereof shall constitute notice to all members of such organization that such organization has so registered.

USE OF THE MAILS AND INSTRUMENTALITIES OF INTERSTATE OR FOREIGN COMMERCE

SEC. 10. It shall be unlawful for any organization which is registered under section 7, or for any organization with respect to which there is in effect a final order of the Board requiring it to register under section 7, or determining that it is a Communist-infiltrated organization (68 Stat. 778, § 8 (a)), or for any person acting for or on behalf of any such organization—

(1) to transmit or cause to be transmitted, through the United States mails or by any means or instrumentality of interstate or foreign commerce, any publication which is intended to be, or which it is reasonable to believe is intended to be, circulated or disseminated among two or more persons, unless such publication, and any envelope, wrapper, or other container in which it is mailed or otherwise circulated or transmitted bears the following, printed in such manner as may be provided in regultaions prescribed by the Attorney General, with the name of the organization appearing in lieu of the blank: "Disseminated by ————, a Communist organization"; or

(2) to broadcast or cause to be broadcast any matter over any radio or television station in the United States, unless such matter is preceded by the following statement, with the name of the organization being stated in place of the blank: "The following program is sponsored by ————, a Communist organization".

DENIAL OF TAX DEDUCTIONS AND EXEMPTIONS

SEC. 11. (a) Notwithstanding any other provisions of law, no deduction for Federal income-tax purposes shall be allowed in the case of a contribution to or for the use of any organization if at the time of the making of such contribution (1) such organization is registered under section 7, or (2) there is in effect a final order of the Board requiring such organization to register under section 7.

(b) No organization shall be entitled to exemption from Federal income tax, under section 101 of the Internal Revenue Code, for any taxable year if at any time during such taxable year (1) such organization is registered under section 7, or (2) there is in effect a final order of the Board requiring such organization to register under section 7.

SUBVERSIVE ACTIVITIES CONTROL BOARD

SEC. 12. (a) There is hereby established a board, to be known as the Subversive Activities Control Board, which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three members of the Board shall be members of the same political party. Two of the original members shall be appointed for a term of one year, two for a term of two years, and one for a term of three years, but their successors shall be appointed for terms of three years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

(b) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board, and three members of the Board shall, at all times, constitute a quorum. The Board shall have an official seal which shall be judicially noticed.

(c) The Board shall at the close of each fiscal year make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees of the Board, and an account of all moneys it has disbursed.

(d) Each member of the Board shall receive a salary of $12,500 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment.

(e) It shall be the duty of the Board—

(1) upon application made by the Attorney General under section 13 (a) of this title, or by any organization under section 13 (b) of this title, to determine whether any organization is a "Communist-action organization" within the meaning of paragraph (3) of section 3 of this title, or a "Communist-front organization" within the meaning of paragraph (4) of section 3 of this title; and

(2) upon application made by the Attorney General under section 13 (a) of this title, or by any individual under section 13 (b) of this title, to determine whether any individual is a member of any Communist-action organization registered, or by final order of the Board required to be registered, under section 7 (a) of this title.

(f) Subject to the civil-service laws and Classification Act of 1949, the Board may appoint and fix the compensation of a chief clerk and such examiners and other personnel as may be necessary for the performance of its functions.

(g) The Board may make such rules and regulations, not inconsistent with the provisions of this title, as may be necessary for the performance of its duties.

(h) There are hereby authorized to be appropriated to the Board such sums as may be necessary to carry out its functions.

PROCEEDINGS BEFORE BOARD

SEC. 13. (a) Whenever the Attorney General shall have reason to believe that any organization which has not registered under subsection (a) or subsection (b) of section 7 of this title is in fact an organization of a kind required to be registered under such subsection, or that any individual who has not registered under section 8 of this title is in fact required to register under such section, he shall file with the Board and serve upon such organization or individual a petition for an order requiring such organization or individual to register pursuant to such subsection or section, as the case may be. Each such petition shall be verified under oath, and shall contain a statement of the facts upon which the Attorney General relies in support of his prayer for the issuance of such order.

(b) Any organization registered under subsection (a) or subsection (b) of section 7 of this title, and any individual registered under section 8 of this title, may, not oftener than once in each calendar year, make application to the Attorney General for the cancellation of such registration and (in the case of such

organization) for relief from obligation to make further annual reports. Within sixty days after the denial of any such application by the Attorney General, the organization or individual concerned may file with the Board and serve upon the Attorney General a petition for an order requiring the cancellation of such registration and (in the case of such organization) relieving such organization of obligation to make further annual reports. Any individual authorized by section 7 (g) of this title to file a petition for relief may file with the Board and serve upon the Attorney General a petition for an order requiring the Attorney General to strike his name from the registration statement or annual report upon which it appears.

(c) Upon the filing of any petition pursuant to subsection (a) or subsection (b) of this section, the Board (or any member thereof or any examiner designated thereby) may hold hearings, administer oaths and affirmations, may examine witnesses and receive evidence at any place in the United States, and may require by subpena the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed relevant, to the matter under inquiry. Subpenas may be signed and issued by any member of the Board or any duly authorized examiner. Subpenas shall be issued on behalf of the organization or the individual who is a party to the proceeding upon request and upon a statement or showing of general relevance and reasonable scope of the evidence sought. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. Witnesses summoned shall be paid the same fees and mileage paid witnesses in the district courts of the United States. In case of disobedience to a subpena, the Board may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear (and to produce documentary evidence if so ordered) and give evidence relating to the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. No person shall be held liable in any action in any court, State or Federal, for any damages resulting from (1) his production of any documentary evidence in any proceeding before the Board if he is required, by a subpena issued under this subsection, to produce the evidence; or (2) any statement under oath he makes in answer to a question he is asked while testifying before the Board in response to a subpena issued under this subsection, if the statement is pertinent to the question.

(d) (1) All hearings conducted under this section shall be public. Each party to such proceeding shall have the right to present its case with the assistance of counsel, to offer oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. An accurate stenographic record shall be taken of the testimony of each witness, and a transcript of such testimony shall be filed in the office of the Board.

(2) Where an organization or individual declines or fails to appear at a hearing accorded to such organization or individual by the Board pursuant to this section, the Board may, without further proceedings and without the introduction of any evidence, enter an order requiring such organization or individual to register or denying the application of such organization or individual, as the case may be. Where in the course of any hearing before the Board or any examiner thereof a party or counsel is guilty of misbehaving which obstructs the hearing, such party or counsel may be excluded from further participation in the hearing.

(e) In determining whether any organization is a "Communist-action organization", the Board shall take into consideration—

(1) the extent to which its policies are formulated and carried out and its activities performed, pursuant to directives or to effectuate the policies of the foreign government or foreign organization in which is vested, or under the domination or control of which is exercised, the direction and control of the world Communist movement referred to in section 2 of this title; and

(2) the extent to which its views and policies do not deviate from those of such foreign government or foreign organization; and

(3) the extent to which it receives financial or other aid, directly or indirectly, from or at the direction of such foreign government or foreign organization; and

(4) the extent to which it sends members or representatives to any foreign country for instruction or trainnig in the principles, policies, strategy or tactics of such world Communist movement; and

(5) the extent to which it reports to such foreign government or foreign organization or to its representatives; and

(6) the extent to which its principal leaders or a substantial number of its members are subject to or recognize the disciplinary power or such foreign government or foreign organization or its representatives; and

(7) the extent to which, for the purpose of concealing foreign direction, domination, or control, or of expediting or promoting its objectives, (i) it fails to disclose, or resists efforts to obtain information as to, its membership (by keeping membership lists in code, by instructing members to refuse to acknowledge membership, or by any other method); (ii) its members refuse to acknowledge membership therein; (iii) it fails to disclose, or resists efforts to obtain information as to, records other than membership lists; (iv) its meetings are secret; and (v) it otherwise operates on a secret basis; and

(8) the extent to which its principal leaders or a substantial number of its members consider the allegiance they owe to the United States as subordinate to their obligations to such foreign government or foreign organization.

(f) In determining whether any organization is a "Communist-front organization", the Board shall take into consideration—

(1) the extent to which persons who are active in its management, direction, or supervision, whether or not holding office therein, are active in the management, direction, or supervision of, or as representatives of, any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

(2) the extent to which its support, financial or otherwise, is derived from any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

(3) the extent to which its funds, resources, or personnel are used to further or promote the objectives of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

(4) the extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2.

(g) If, after hearing upon a petition filed under subsection (a) of this section, the Board determines—

(1) that an organization is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such organization an order requiring such organization to register as such under section 7 of this title; or

(2) that an individual is a member of a Communist-action organization (including an organization required by final order of the Board to register under section 7 (a)), it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such individual an order requiring him to register as such under section 8 of this title.

(h) If, after hearing upon a petition filed under subsection (a) of this section, the Board determines—

(1) that an organization is not a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts; issue and cause to be served upon the Attorney General an order denying his petition for an order requiring such organization to register as such under section 7 of this title; and send a copy of such order to such organization; or

(2) that an individual is not a member of any Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts; issue and cause to be served upon the Attorney General an order denying his petition for an order requiring such individual to register as such member under section 8 of this title; and send a copy of such order to such individual.

(i) If, after hearing upon a petition filed under subsection (b) of this section, the Board determines—

(1) that an organization is not a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts; issue and cause to be served upon the Attorney General an order requiring him to cancel the registration of such organization and relieve it from the requirement of further annual reports; and send a copy of such order to such organization; or

(2) that an individual is not a member of any Communist-action organization, or (in the case of an individual listed as an officer of a Communist-front organization) that an individual is not an officer of a Communist-front organization, it shall make a report in writing in which it shall state its findings as to the facts; issue and cause to be served upon the Attorney General and order requiring him to (A) strike the name of such individual from the registration statement or annual report upon which it appears or (B) cancel the registration of such individual under section 8, as may be appropriate; and send a copy of such order to such individual.

(j) If, after hearing upon a petition filed under subsection (b) of this section, the Board determines—

(1) that an organization is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such organization an order denying its petition for the cancellation of its registration and for relief from the requirement of further annual reports; or

(2) that an individual is a member of a Communist-action organization, or (in the case of an individual listed as an officer of a Communist-front organization) that an individual is an officer of a Communist-front organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such individual an order denying his petition for an order requiring the Attorney General (A) to strike his name from any registration statement or annual report on which it appears or (B) to cancel the registration of such individual under section 8, as the case may be.

(k) When any order of the Board requiring registration of a Communist organization becomes final under the provisions of section 14 (b) of this title, the Board shall publish in the Federal Register the fact that such order has become final, and publication thereof shall constitute notice to all members of such organization that such order has become final.

JUDICIAL REVIEW

SEC. 14. (a) The party aggrieved by any order entered by the Board under subsection (g), (h), (i), or (j) of section 13 may obtain a review of such order by filing in the United States Court of Appeals for the District of Columbia, within sixty days from the date of service upon it of such order, a written petition praying that the order of the Board be set aside. A copy of such petition shall be forthwith served upon the Board, and thereupon the Board shall certify and file in the court a transcript of the entire record in the proceeding, including all evidence taken and the report and order of the Board. Thereupon the court shall have jurisdiction of the proceeding and shall have power to affirm or set aside the order of the Board; but the court may in its discretion and upon its own motion transfer any action so commenced to the United States Court of Appeals for the circuit wherein the petitioner resides. The findings of the Board as to the facts, if supported by the preponderance of the evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material, the court may order such additional evidence to be taken before the Board and to be adduced upon the proceeding in such manner and upon such terms and conditions as to the court may seem proper. The Board may modify its findings as to the facts, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by the preponderance of the evidence shall be conclusive, and its recommendations, if any, with respect to action in the matter under consideration. If the court shall set aside an order issued under subsection (j) of section 13 it may, in the case of an organization, enter a judgment canceling the registration of such organization and relieving it from the requirement of further annual reports, or in the case of an individual, enter a judgment requiring the Attorney General

(A) to strike the name of such individual from the registration statement or annual report on which it appears, or (B) cancel the registration of such individual under section 8, as may be appropriate. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in title 28, United States Code, section 1254.

(b) Any order of the Board issued under section 13 shall become final—

(1) upon the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time; or

(2) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Board has been affirmed or the petition for review dismissed by a United States Court of Appeals, and no petition for certiorari has been duly filed; or

(3) upon the denial of a petition for certiorari, if the order of the Board has been affirmed or the petition for review dismissed by a United States Court of Appeals; or

(4) upon the expiration of ten days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Board be affirmed or the petition for review dismissed.

PENALTIES

SEC. 15. (a) If there is in effect with respect to any organization or individual a final order of the Board requiring registration under section 7 or section 8 of this title—

(1) such organization shall, upon conviction of failure to register, to file any registration statement or annual report, or to keep records as required by section 7, be punished for each such offense by a fine of not more than $10,000, and

(2) each individual having a duty under subsection (h) of section 7 to register or to file any registration statement or annual report on behalf of such organization, and each individual having a duty to register under section 8, shall, upon conviction of failure to so register or to file any such registration statement or annual report, be punished for each such offense by a fine of not more than $10,000, or imprisonment for not more than five years, or by both such fine and imprisonment.

For the purposes of this subsection, each day of failure to register, whether on the part of the organization or any individual, shall constitute a separate offense.

(b) Any individual who, in a registration statement or annual report filed under section 7 or section 8, willfully makes any false statement or willfully omits to state any fact which is required to be stated, or which is necessary to make the statements made or information given not misleading, shall upon conviction thereof be punished for each such offense by a fine of not more than $10,000, or by imprisonment for not more than five years, or by both such fine and imprisonment. For the purposes of this subsection—

(1) each false statement willfully made, and each willful omission to state any fact which is required to be stated, or which is necessary to make the statements made or information given not misleading, shall constitute a separate offense; and

(2) each listing of the name or address of any one individual shall be deemed to be a separate statement.

(c) Any organization which violates any provision of section 10 of this title shall, upon conviction thereof, be punished for each such violation by a fine of not more than $10,000. Any individual who violates any provision of section 5, 6, or 10 of this title shall, upon conviction thereof, be punished for each such violation by a fine of not more than $10,000 or by imprisonment for not more than five years, or by both such fine and imprisonment.

ESPIONAGE CASES

PERIOD OF LIMITATIONS

SEC. 19. An indictment for any violation of title 18, United States Code, section, 792, 793, or 794, other than a violation constituting a capital offense may be found at any time within ten years next after such violation shall have been

committed. This section shall not authorize prosecution, trial, or punishment for any offense now barred by the provisions of existing law.

Revocation of Naturalization—Statutory Period—Act of June 30, 1951 (65 Stat. 107)

[Public Law 65 (83d Cong.), Ch. 194]

AN ACT To amend chapter 213 of title 18 of the United States Code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 213 of title 18 of the United States Code be amended by adding a new section to be known as section 3291 as follows:

"§ 3291. Nationality, citizenship and passports.

"No person shall be prosecuted, tried, or punished for violation of any provision of sections 1423 to 1428, inclusive, of chapter 69 and sections 1541 to 1544, inclusive, of chapter 75 of title 18 of the United States Code, or for conspiracy to violate any of the afore-mentioned sections, unless the indictment is found or the information is instituted within ten years after the commission of the offense."

SEC. 2. The chapter analysis of chapter 213, immediately preceding section 3281 of title 18 United States Code is amended by adding the following item at the end thereof: "3291. Nationality, citizenship and passports."

Approved June 30, 1951.

Walter-McCarran Immigration Act of June 27, 1952 (66 Stat. 163–282)

GENERAL CLASSES OF ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION

SEC. 212. (a) Except as otherwise provided in this Act, the following classes of aliens shall be ineligible to receive visas and shall be excluded from admission into the United States:

(28) Aliens who are, or at any time have been, members of any of the following classes:

(A) Aliens who are anarchists;

(B) Aliens who advocate or teach, or who are members of or affiliated with any organization that advocates or teaches, opposition to all organized government;

(C) Aliens who are members of or affiliated with (i) the Communist Party of the United States, (ii) any other totalitarian party of the United States, (iii) the Communist Political Association, (iv) the Communist or any other totalitarian party of any State of the United States, of any foreign state, or of any political or geographical subdivision of any foreign state, (v) any section, subsidiary, branch, affiliate, or subdividion of any such association or party, or (vi) the direct predecessors or successors of any such association or party, regardless of what name such group or organization may have used, may now bear, or may hereafter adopt: *Provided,* That nothing in this paragraph, or in any other provision of this Act, shall be construed as declaring that the Communist Party does not advocate the overthrow of the Government of the United States by force, violence, or other unconstitutional means;

(D) Aliens not within any of the other provisions of this paragraph who advocate the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, or who are members of or affiliated with any organization that advocates the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, either through its own utterances or through any written or printed publications issued or published by or with the permission or consent of or under the authority of such organization or paid for by the funds of, or funds furnished by, such organization;

(E) Aliens not within any of the other provisions of this paragraph, who are members of or affiliated with any organization during the time it is registered or required to be registered under section 7 of the *Subversive*

Activities Control Act of 1950, unless such aliens establish that they did not have knowledge or reason to believe at the time they became members of or affiliated with such an organization (and did not thereafter and prior to the date upon which such organization was so registered or so required to be registered have such knowledge or reason to believe) that such organization was a Communist organization;

(F) Aliens who advocate or teach or who are members of or affiliated with any organization that advocates or teaches (i) the overthrow by force, violence, or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character; or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotage;

(G) Aliens who write or publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, publication, distribution, or display, any written or printed matter, advocating or teaching opposition to all organized government, or advocating or teaching (i) the overthrow by force, violence, or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character; or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotage; or (v) the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship;

(H) Aliens who are members of or affiliated with any organization that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in paragraph (G);

(I) Any alien who is within any of the classes described in subparagraphs (B), (C), (D), (E), (F), (G), and (H) of this paragraph because of membership in or affiliation with a party or organization or a section, subsidiary, branch, affiliate, or subdivision thereof, may, if not otherwise ineligible, be issued a visa if such alien establishes to the satisfaction of the consular officer when applying for a visa and the consular officer finds that (i) such membership or affiliation is or was involuntary, or is or was solely when under sixteen years of age, by operation of law, or for purposes of obtaining employment, food rations, or other essentials of living and where necessary for such purposes, or (ii) (a) since the termination of such membership or affiliation, such alien is and has been, for at least five years prior to the date of the application for a visa, actively opposed to the doctrine, program, principles, and ideology of such party or organization or the section, subsidiary, branch, or affiliate or subdivision thereof, and (b) the admission of such alien into the United States would be in the public interest. Any such alien to whom a visa has been issued under the provisions of this subparagraph may, if not otherwise inadmissible, be admitted into the United States if he shall establish to the satisfaction of the Attorney General when applying for admission to the United States and the Attorney General finds that (i) such membership or affiliation is or was involuntary, or is or was solely when under sixteen years of age, by operation of law, or for purposes of obtaining employment, food rations, or other essentials of living and when necessary for such purposes, or (ii) (a) since the termination of such membership or affiliation, such alien is and has been, for at least five years prior to the date of the application for admission actively opposed to the doctrine, program, principles, and ideology of such party or organization or the section, subsidiary, branch, or affiliate or subdivision thereof, and (b) the admission of such alien into the United States would be in the public interest. The Attorney General shall promptly make a detailed report to the Congress in the case of each alien who is or shall be admitted into the United States under (ii) of this subparagraph:

(29) Aliens with respect to whom the consular officer or the Attorney General knows or has reasonable ground to believe probably would, after entry, (A) engage in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in other activity subversive to the national security, (B) engage in any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States, by force, violence, or other unconstitutional means, or (C) join, affiliate with, or participate in the activities of any organization which is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950.

Screening Process of Immigrants

CHAPTER 4—PROVISIONS RELATING TO ENTRY AND EXCLUSION

LISTS OF ALIEN AND CITIZEN PASSENGERS ARRIVING OR DEPARTING; RECORD OF RESIDENT ALIENS AND CITIZENS LEAVING PERMANENTLY FOR FOREIGN COUNTRY

SEC. 231. (a) Upon the arrival of any person by water or by air at any port within the United States from any place outside the United States, it shall be the duty of the master or commanding officer, or authorized agent, owner, or consignee of the vessel or aircraft, having any such person on board to deliver to the immigration officers at the port of arrival typewritten or printed lists or manifests of the persons on board such vessel or aircraft. Such lists or manifests shall be prepared at such time, be in such form and shall contain such information as the Attorney General shall prescribe by regulation as being necessary for the identification of the persons transported and for the enforcement of the immigration laws. This subsection shall not require the master or commanding officer, or authorized agent, owner, or consignee of a vessel or aircraft to furnish a list or manifest relating (1) to an alien crewman or (2) to any other person arriving by air on a trip originating in foreign contiguous territory, except (with respect to such arrivals by air) as may be required by regulations issued pursuant to section 239.

(b) It shall be the duty of the master or commanding officer or authorized agent of every vessel or aircraft taking passengers on board at any port of the United States, who are destined to any place outside the United States, to file with the immigration officers before departure from such port a list of all such persons taken on board. Such list shall be in such form, contain such information, and be accompanied by such documents, as the Attorney General shall prescribe by regulation as necessary for the identification of the persons so transported and for the enforcement of the immigration laws. No master or commanding officer of any such vessel or aircraft shall be granted clearance papers for his vessel or aircraft until he or the authorized agent has deposited such list or lists and accompanying documents with the immigration officer at such port and made oath that they are full and complete as to the information required to be contained therein, except that in the case of vessels or aircraft which the Attorney General determines are making regular trips to ports of the United States, the Attorney General may, when expedient, arrange for the delivery of lists of outgoing persons at a later date. This subsection shall not require the master or commanding officer, or authorized agent, owner, or consignee of a vessel or aircraft to furnish a list or manifest relating (1) to an alien crewman or (2) to any other person departing by air on a trip originating in the United States who is destined to foreign contiguous territory, except (with respect to such departure by air) as may be required by regulations issued pursuant to section 239.

(c) The Attorney General may authorize immigration officers to record the following information regarding every resident person leaving the United States by way of the Canadian or Mexican borders for permanent residence in a foreign country: Names, age, and sex; whether married or single; calling or occupation; whether able to read or write; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States; intended future permanent residence; and time and port of last arrival in the United States; and if a United States citizen or national, the facts on which claim to that status is based.

(d) If it shall appear to the satisfaction of the Attorney General that the master or commanding officer, owner, or consignee of any vessel or aircraft, or the agent of any transportation line, as the case may be, has refused or failed to deliver any list or manifest required by subsections (a) or (b), or that the

list or manifest delivered is not accurate and full, such master or commanding officer, owner, or consignee, or agent, as the case may be, shall pay to the collector of customs at the port of arrival or departure the sum of $10 for each person concerning whom such accurate and full list or manifest is not furnished, or concerning whom the manifest or list is not prepared and sworn to as prescribed by this section or by regulations issued pursuant thereto. No vessel or aircraft shall be granted clearance pending determination of the question of the liability to the payment of such penalty, or while it remains unpaid, and no such penalty shall be remitted or refunded, except that clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a bond or undertaking approved by the Attorney General or a sum sufficient to cover such penalty.

(e) The Attorney General is authorized to prescribe the circumstances and conditions under which the list or manifest requirements of subsections (a) and (b) may be waived.

DETENTION OF ALIENS FOR OBSERVATION AND EXAMINATION

SEC. 232. For the purpose of determining whether aliens (including alien crewman) arriving at ports of the United States belong to any of the classes excluded by this Act, by reason of being afflicted with any of the diseases or mental or physical defects or disabilities set forth in section 212 (a), or whenever the Attorney General has received information showing that any aliens are coming from a country or have embarked at a place where any of such diseases are prevalent or epidemic, such aliens shall be detained on board the vessel or at the airport of arrival of the aircraft bringing them, unless the Attorney General directs their detention in a United States immigration station or other place specified by him at the expense of such vessel or aircraft except as otherwise provided in this Act, as circumstances may require or justify, for a sufficient time to enable the immigration officers and medical officers to subject such aliens to observation and an examination sufficient to determine whether or not they belong to the excluded classes.

TEMPORARY REMOVAL FOR EXAMINATION UPON ARRIVAL

SEC. 233. (a) Upon the arrival at a port of the United States of any vessel or aircraft bringing aliens (including alien crewmen) the immigration officers may order a temporary removal of such aliens for examination and inspection at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve vessels or aircraft, the transportation lines, or the masters, commanding officers, agents, owners, or consignees of the vessel or aircraft upon which such aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this Act bind such vessels or aircraft, transportation lines, masters, commanding officers, agents, owners, or consignees. A temporary removal of aliens from such vessels or aircraft ordered pursuant to this subsection shall be made by an immigration officer at the expense of the vessels or aircraft or transportation lines, or the masters, commanding officers, agents, owners, or consignees of such vessels, aircraft or transportation lines, as provided in subsection (b) and such vessels, aircraft, transportation lines, masters, commanding officers, agents, owners or consignees, shall, so long as such removal lasts, be relieved of responsibility for the safekeeping of such aliens: *Provided*, That such vessels, aircraft, transportation lines, masters, commanding officers, agents, owners, or consignees may with the approval of the Attorney General assume responsibility for the safekeeping of such aliens during their removal to a designated place for examination and inspection, in which event, such removal need not be made by an immigration officer.

(b) Whenever a temporary removal of aliens is made under this section, the vessels or aircraft or transportation lines which brought them, and the masters, commanding officers, owners, agents, and consignees of the vessel, aircraft, or transportation line upon which they arrived shall pay all expenses of such removal to a designated place for examination and inspection or other place of detention and all expenses arising during subsequent detention, pending a decision on the aliens' eligibility to enter the United States and until they are either allowed to land or returned to the care of the transportation line or to the vessel or aircraft which brought them. Such expenses shall include maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel, aircraft, or transportation line in the event of deportation, except where

such expenses arise under section 237 (d) or in such cases as the Attorney General may prescribe in the case of aliens paroled into the United States temporarily under the provisions of section 212 (d) (5).

(c) Any detention expenses and expenses incident to detention incurred (but not including expenses of removal to the place of detention) pursuant to sections 232 and 233 shall not be assessed under this Act against the vessel or aircraft or transportation line or the master, commanding officer, owner, agent, or consignee of the vessel, aircraft, or transportation line in the case of (1) any alien who arrived in possession of a valid unexpired immigrant visa, or (2) any alien who was finally admitted to the United States pursuant to this Act after such detention, or (3) any alien other than an alien crewman, who arrived in possession, of a valid unexpired nonimmigrant visa or other document authorizing such alien to apply for temporary admission to the United States or an unexpired reentry permit issued to him, and (A) application for admission was made within one hundred and twenty days of the date of issuance of the visa or other document, or in the case of an alien in possession of a reentry permit, within one hundred and twenty days of the date on which the alien was last examined and admitted by the Service, or (B) in the event application for admission was made later than one hundred and twenty days of the date of issuance of the visa or other document or such examination and admission, if the vessel, aircraft, or transportation line or the master, commanding officer, owner, agent, or consignee of the vessel, aircraft, or transportation line establishes to the satisfaction of the Attorney General that the ground of exclusion could not have been ascertained by the exercise of due diligence prior to the alien's embarkation, or (4) any person claiming United States nationality or citizenship and in possession of an unexpired United States passport issued to him by competent authority, or (5) any person claiming United States nationality or citizenship and in possession of a certificate of identity issued pursuant to section 360 (b) of this Act, or any other document of identity issued or verified by a consular officer which shows on its face that it is currently valid for travel to the United States and who was allowed to land in the United States after such detention.

(d) Any refusal or failure to comply with the provisions of this section shall be punished in the manner specified in section 237 (b) of this Act.

PHYSICAL AND MENTAL EXAMINATIONS

SEC. 234. The physical and mental examination of arriving aliens (including alien crewmen) shall be made by medical officers of the United States Public Health Service, who shall conduct all medical examinations and shall certify, for the information of the immigration officers and the special inquiry officers, any physical and mental defect or disease observed by such medical officers in any such alien. If medical officers of the United States Public Health Service are not available, civil surgeons of not less than four years' professional experience may be employed for such service upon such terms as may be prescribed by the Attorney General. Aliens (including alien crewmen) arriving at ports of the United States shall be examined by at least one such medical officer or civil surgeon under such administrative regulations as the Attorney General may prescribe, and under medical regulations prepared by the Surgeon General of the United States Public Health Service. Medical officers of the United States Public Health Service who have had special training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at such ports of entry as the Attorney General may designate, and such medical officers shall be provided with suitable facilities for the detention and examination of all arriving aliens who it is suspected may be excludable under paragraphs (1), (2), (3), (4), or (5) of section 212 (a), and the services of interpreters shall be provided for such examination. Any alien certified under paragraphs (1), (2), (3), (4), or (5) of section 212 (a) may appeal to a board of medical officers of the United States Public Health Service, which shall be convened by the Surgeon General of the United States Public Health Service, and any such alien may introduce before such board one expert medical witness at his own cost and expense.

INSPECTION BY IMMIGRATION OFFICERS

SEC. 235. (a) The inspection, other than the physical and mental examination, of aliens (including alien crewmen) seeking admission or readmission to, or the privilege of passing through the United States shall be conducted by immigration officers, except as otherwise provided in regard to special inquiry officers. All aliens arriving at ports of the United States shall be examined by one or more

immigration officers at the discretion of the Attorney General and under such regulations as he may prescribe. Immigration officers are hereby authorized and empowered to board and search any vessel, aircraft, railway car, or other conveyance, or vehicle in which they believe aliens are being brought into the United States. The Attorney General and any immigration officer, including special inquiry officers, shall have power to administer oaths and to take and consider evidence of or from any person touching the privilege of any alien or person he believes or suspects to be an alien to enter, reenter, pass through, or reside in the United States or concerning any matter which is material and relevant to the enforcement of this Act and the administration of the Service, and, where such action may be necessary, to make a written record of such evidence. Any person coming into the United States may be required to state under oath the purpose or purposes for which he comes, the length of time he intends to remain in the United States, whether or not he intends to remain in the United States permanently and, if an alien, whether he intends to become a citizen thereof, and such other items of information as will aid the immigration officer in determining whether he is a national of the United States or an alien and, if the latter, whether he belongs to any of the excluded classes enumerated in section 212. The Attorney General and any immigration officer, including special inquiry officers, shall have power to require by subpena the attendance and testimony of witnesses before immigration officers and special inquiry officers and the production of books, papers, and documents relating to the privilege of any person to enter, reenter, reside in, or pass through the United States or concerning any matter which is material and relevant to the enforcement of this Act and the administration of the Service, and to that end may invoke the aid of any court of the United States. Any United States district court within the jurisdiction of which investigations or inquiries are being conducted by an immigration officer or special inquiry officer may, in the event of neglect or refusal to respond to a subpena issued under this subsection or refusal to testify before an immigration officer or special inquiry officer, issue an order requiring such persons to appear before an immigration officer or special inquiry officer, produce books, papers, and documents if demanded, and testify, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(b) Every alien (other than an alien crewman), and except as otherwise provided in subsection (c) of this section and in section 273 (d), who may not appear to the examining immigration officer at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for further inquiry to be conducted by a special inquiry officer. The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to land is so challenged, before a special inquiry officer for further inquiry.

(c) Any alien (including an alien crewman) who may appear to the examining immigration officer or to the special inquiry officer during the examination before either of such officers to be excludable under paragraph (27), (28), or (29) of section 212 (a) shall be temporarily excluded, and no further inquiry by a special inquiry officer shall be conducted until after the case is reported to the Attorney General together with any such written statement and accompanying information, if any, as the alien or his representative may desire to submit in connection therewith and such an inquiry or further inquiry is directed by the Attorney General. If the Attorney General is satisfied that the alien is excludable under any of such paragraphs on the basis of information of a confidential nature, the disclosure of which the Attorney General, in the exercise of his discretion, and after consultation with the appropriate security agencies of the Government, concludes would be prejudicial to the public interest, safety, or security, he may in his discretion order such alien to be excluded and deported without any inquiry or further inquiry by a special inquiry officer. Nothing in this subsection shall be regarded as requiring an inquiry before a special inquiry officer in the case of an alien crewman.

EXCLUSIONS OF ALIENS

SEC. 236. (a) A special inquiry officer shall conduct proceedings under this section, administer oaths, present and receive evidence, and interrogate, examine, and cross-examine the alien or witnesses. He shall have the authority in any case to determine whether an arriving alien who has been detained for further inquiry under section 235 shall be allowed to enter or shall be excluded and

deported. The determination of such special inquiry officer shall be based only on the evidence produced at the inquiry. No special inquiry officer shall conduct a proceeding in any case under this section in which he shall have participated in investigative functions or in which he shall have participated (except as provided in this subsection) in prosecuting functions. Proceedings before a special inquiry officer under this section shall be conducted in accordance with this section, the applicable provisions of sections 235 and 287 (b), and such regulations as the Attorney General shall prescribe, and shall be the sole and exclusive procedure for determining admissibility of a person to the United States under the provisions of this section. At such inquiry, which shall be kept separate and apart from the public, the alien may have one friend or relative present, under such conditions as may be prescribed by the Attorney General. A complete record of the proceedings and of all testimony and evidence produced at such inquiry, shall be kept.

(b) From a decision of a special inquiry officer excluding an alien, such alien may take a timely appeal to the Attorney General, and any such alien shall be advised of his right to take such appeal. No appeal may be taken from a temporary exclusion under section 235 (c). From a decision of the special inquiry officer to admit an alien, the immigration officer in charge at the port where the inquiry is held may take a timely appeal to the Attorney General. An appeal by the alien, or such officer in charge, shall operate to stay any final action with respect to any alien whose case is so appealed until the final decision of the Attorney General is made. Except as provided in section 235 (c) such decision shall be rendered solely upon the evidence adduced before the special inquiry officer.

(c) Except as provided in subsections (b) or (d), in every case where an alien is excluded from admission into the United States, under this Act or any other law or treaty now existing or hereafter made, the decision of a special inquiry officer shall be final unless reversed on appeal to the Attorney General.

(d) If a medical officer or civil surgeon or board of medical officers has certified under section 234 that an alien is afflicted with a disease specified in section 212 (a) (6), or with any mental disease, defect, or disability which would bring such alien within any of the classes excluded from admission to the United States under paragraphs (1), (2), (3), (4), or (5) of section 212 (a), the decision of the special inquiry officer shall be based solely upon such certification. No alien shall have a right to appeal from such an excluding decision of a special inquiry officer. If an alien is excluded by a special inquiry officer because of the existence of a physical disease, defect, or disability, other than one specified in section 212 (a) (6), the alien may appeal from the excluding decision in accordance with subsection (b) of this section, and the provisions of section 213 may be invoked.

IMMEDIATE DEPORTATION OF ALIENS EXCLUDED FROM ADMISSION OR ENTERING IN VIOLATION OF LAW

SEC. 237. (a) Any alien (other than an alien crewman) arriving in the United States who is excluded under this Act, shall be immediately deported to the country whence he came, in accomodations of the same class in which he arrived, on the vessel or aircraft bringing him, unless the Attorney General, in an individual case, in his discretion, concludes that immediate deportation is not practicable or proper. The cost of the maintenance including detention expenses and expenses incident to detention of any such alien while he is being detained, as well as the transportation expense of his deportation from the United States, shall be borne by the owner or owners of the vessel or aircraft on which he arrived, except that the cost of maintenance (including detention expenses and expenses incident to detention while the alien is being detained prior to the time he is offered for deportation to the transportation line which brought him to the United States) shall not be assessed against the owner or owners of such vessel or aircraft if (1) the alien was in possession of a valid, unexpired immigrant visa, or (2) if the alien (other than an alien crewman) was in possession of a valid, unexpired nonimmigrant visa or other document authorizing such alien to apply for temporary admission to the United States or an unexpired reentry permit issued to him, and (A) such application was made within one hundred and twenty days of the date of issuance of the visa or other document, or in the case of an alien in possession of a reentry permit, within one hundred and twenty

days of the date on which the alien was last examined and admitted by the Service, or (B) in the event the application was made later than one hundred and twenty days of the date of issuance of the visa or other document or such examination and admission, if the owner or owners of such vessel or aircraft established to the satisfaction of the Attorney General that the ground of exclusion could not have been ascertained by the exercise of due diligence prior to the alien's embarkation, or (3) the person claimed United States nationality or citizenship and was in possession of an unexpired United States passport issued to him by competent authority.

(b) It shall be unlawful for any master, commanding officer, purser, person in charge, agent, owner, or consignee of any vessel or aircraft (1) to refuse to receive any alien (other than an alien crewman), ordered deported under this section back on board such vessel or aircraft or another vessel or aircraft owned or operated by the same interests; (2) to fail to detain any alien (other than an alien crewman) on board any such vessel or at the airport of arrival of the aircraft when required by this Act or if so ordered by an immigration officer, or to fail to refuse to deliver him for medical or other inspection, or for further medical or other inspection, as and when so ordered by such officer; (3) to refuse or fail to remove him from the United States to the country whence he came; (4) to fail to pay the cost of his maintenance while being detained as required by this section or section 233 of this title; (5) to take any fee, deposit, or consideration on a contingent basis to be kept or returned in case the alien is landed or excluded; or (6) knowingly to bring to the United States any alien (other than an alien crewman) excluded or arrested and deported under any provision of law until such alien may be lawfully entitled to reapply for admission to the United States. If it shall appear to the satisfaction of the Attorney General that any such master, commanding officer, purser, person in charge, agent, owner, or consignee of any vessel or aircraft has violated any of the provisions of this section or of section 233 of this title, such master, commanding officer, purser, person in charge, agent, owner, or consignee shall pay to the collector of customs of the district in which port of arrival is situated or in which any vessel or aircraft of the line may be found, the sum of $300 for each violation. No such vessel or aircraft shall have clearance from any port of the United States while any such fine is unpaid or while the question of liability to pay any such fine is being determined, nor shall any such fine be remitted or refunded, except that clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a bond or undertaking approved by the Attorney General or a sum sufficient to cover such fine.

(c) If the vessel or aircraft, by which any alien who has been ordered deported under this section arrived, has left the United States and it is impracticable to deport the alien within a reasonable time by another vessel or aircraft owned by the same person, the cost of deportation may be paid from the appropriation for the enforcement of this Act and recovered by civil suit from any owner, agent, or consignee of the vessel or aircraft.

(d) The Attorney General, under such conditions as are by regulations prescribed, may stay the deportation of any alien deportable under this section, if in his judgment the testimony of such alien is necessary on behalf of the United States in the prosecution of offenders against any provision of this Act or other laws of the United States. The cost of maintenance of any person so detained resulting from a stay of deportation under this subsection and a witness fee in the sum of $1 per day for each day such person is so detained may be paid from the appropriation for the enforcement of this title. Such alien may be released under bond in the penalty of not less than $500 with security approved by the Attorney General on condition that such alien shall be produced when required as a witness and for deportation, and on such other conditions as the Attorney General may prescribe.

(e) Upon the certificate of an examining medical officer to the effect that an alien ordered to be excluded and deported under this section is helpless from sickness or mental and physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by the alien ordered excluded and deported, such accompanying alien may also be excluded and deported, and the master, commanding officer, agent, owner, or consignee of the vessel or aircraft in which such alien and accompanying alien arrived in the United States shall be required to return the accompanying alien in the same manner as other aliens denied admission and ordered deported under this section.

ENTRY THROUGH OF FROM FOREIGN CONTIGUOUS TERRITORY AND ADJACENT ISLANDS; LANDING STATIONS

SEC. 238. (a) The Attorney General shall have power to enter into contracts with transportation lines for the entry and inspection of aliens coming to the United States through foreign contiguous territory or through adjacent islands. In prescribing rules and regulations and making contracts for the entry and inspection of aliens applying for admission through foreign contiguous territory or through adjacent islands, due care shall be exercised to avoid any discriminatory action in favor of transportation companies transporting to such territory or islands aliens destined to the United States, and all such transportation companies shall be required, as a condition precedent to the inspection or examination under such rules and contracts at the ports of such contiguous territory or such adjacent islands of aliens brought thereto by them, to enter into a contract which will require them to submit to and comply with all the requirements of this Act which would apply were they bringing such aliens directly to ports of the United States.

(b) The Attorney General shall have power to enter into contracts with transportation lines for the entry and inspection of aliens coming to the United States from foreign contiguous territory or from adjacent islands. No such transportation line shall be allowed to land any such alien in the United States until and unless it has entered into any such contracts which may be required by the Attorney General.

(c) Every transportation line engaged in carrying alien passengers for hire to the United States from foreign contiguous territory or from adjacent islands shall provide and maintain at its expense suitable landing stations, approved by the Attorney General, conveniently located at the point or points of entry. No such transportation line shall be allowed to land any alien passengers in the United States until such landing stations are provided, and unless such stations are thereafter maintained to the satisfaction of the Attorney General.

(d) The Attorney General shall have power to enter into contracts including bonding agreements with transportation lines to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. Notwithstanding any other provision of this Act, such aliens may not have their classification changed under section 248.

(e) As used in this section the terms "transportation line" and "transportation company" include, but are not limited to, the owner, charterer, consignee, or authorized agent operating any vessel or aircraft bringing aliens to the United States, to foreign contiguous territory, or to adjacent islands.

DESIGNATION OF PORTS OF ENTRY FOR ALIENS ARRIVING BY CIVIL AIRCRAFT

SEC. 239. The Attorney General is authorized (1) by regulation to designate as ports of entry for aliens arriving by aircraft any of the ports of entry for civil aircraft designated as such in accordance with law; (2) by regulation to provide such reasonable requirements for aircraft in civil air navigation with respect to giving notice of intention to land in advance of landing or notice of landing, as shall be deemed necessary for purposes of administration and enforcement of this Act; and (3) by regulation to provide for the application to civil air navigation of the provisions of this Act where not expressly so provided in this Act to such extent and upon such conditions as he deems necessary. Any person who violates any regulation made under this section shall be subject to a civil penalty of $500 which may be remitted or mitigated by the Attorney General in accordance with such proceedings as the Attorney General shall by regulation prescribe. In case the violation is by the owner or person in command of the aircraft, the penalty shall be a lien upon the aircraft, and such aircraft may be libeled therefor in the appropriate United States court. The determination by the Attorney General and remission or mitigation of the civil penalty shall be final. In case the violation is by the owner or person in command of the aircraft, the penalty shall be a lien upon the aircraft and may be collected by proceedings in rem which shall conform as nearly as may be to civil suits in admiralty. The Supreme Court of the United States, and under its direction other courts of the United States, are authorized to prescribe rules regulating such proceedings against aircraft in any particular not otherwise provided by law. Any aircraft made subject to a lien by this section may be summarily seized by, and placed in the custody of such persons as the Attorney General may by regulation prescribe. The aircraft may be released from such custody upon deposit of such amount not exceeding $500 as the Attor-

ney General may prescribe, or of a bond in such sum and with such sureties as the Attorney General may prescribe, conditioned upon the payment of the penalty which may be finally determined by the Attorney General.

RECORDS OF ADMISSION

SEC. 240. (a) The Attorney General shall cause to be filed, as a record of admission of each immigrant, the immigrant visa required by section 221 (e) to be surrendered at the port of entry by the arriving alien to an immigration officer.

(b) The Attorney General shall cause to be filed such record of the entry into the United States of each immigrant admitted under section 211 (b) and of each nonimmigrant as the Attorney General deems necessary for the enforcement of the immigration laws.

CHAPTER 5—DEPORTATION; ADJUSTMENT OF STATUS

GENERAL CLASSES OF DEPORTABLE ALIENS

SEC. 241. (a) Any alien in the United States (including an alien crewman) shall, upon the order of the Attorney General, be deported who—

(6) is or at any time has been, after entry, a member of any of the following classes of aliens:

(A) Aliens who are anarchists;

(B) Aliens who advocate or teach, or who are members of or affiliated with any organization that advocates or teaches, opposition to all organized government;

(C) Aliens who are members of or affiliated with (i) the Communist Party of the United States; (ii) any other totalitarian party of the United States; (iii) the Communist Political Association; (iv) the Communist or any other totalitarian party of any State of the United States, of any foreign state, or of any political or geographical subdivision of any foreign state; (v) any section, subsidiary, branch, affiliate, or subdivision of any such association or party; or (vi) the direct predecessors or successors of any such association or party, regardless of what name such group or organization may have used, may now bear, or may hereafter adopt: *Provided*, That nothing in this paragraph, or in any other provision of this Act, shall be construed as declaring that the Communist Party does not advocate the overthrow of the Government of the United States by force, violence, or other unconstitutional means;

(D) Aliens not within any of the other provisions of this paragraph who advocate the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, or who are members of or affiliated with any organization that advocates the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, either through its own utterances or through any written or printed publications issued or published by or with the permission or consent of or under the authority of such organization or paid for by the funds of, or funds furnished by, such organization;

(E) Aliens not within any of the other provisions of this paragraph who are members of or affiliated with any organization during the time it is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950, unless such aliens establish that they did not have knowledge or reason to believe at the time they became members of or affiliated with such an organization (and did not thereafter and prior to the date upon which such organization was so registered or so required to be registered have such knowledge or reason to believe) that such organization was a Communist organization;

(F) Aliens who advocate or teach or who are members of or affiliated with any organization that advocates or teaches (i) the overthrow by force, violence, or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character; or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotage;

(G) Aliens who write or publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, publication, distribution, or display, any written or printed matter, advocating or teaching opposition to all organized government, or advocating or teaching (i) the overthrow by force, violence, or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character; or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotage; or (v) the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship;

(H) Aliens who are members of or affiliated with any organization that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in paragraph (G);

(7) is engaged, or at any time after entry has engaged, or at any time after entry has had a purpose to engage, in any of the activities described in paragraph (27) or (29) of section 212 (a), unless the Attorney General is satisfied, in the case of any alien within category (C) of paragraph (29) of such section, that such alien did not have knowledge or reason to believe at the time such alien became a member of, affiliated with, or participated in the activities of the organization (and did not thereafter and prior to the date upon which such organization was registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950 have such knowledge or reason to believe) that such organization was a Communist organization;

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DEPORTATION OF ALIENS UPON CONVICTION OF CRIMES AGAINST THE UNITED STATES

(17) the Attorney General finds to be an undesirable resident of the United States by reason of any of the following, to wit: has been or may hereafter be convicted of any violation or conspiracy to violate any of the following Acts or parts of Acts or any amendment thereto, the judgment on such conviction having become final, namely: an Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes", approved June 15, 1917, or the amendment thereof approved May 16, 1918; sections 791, 792, 793, 794, 2388, and 3241, title 18, United States Code: an Act entitled "An Act to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes", approved October 6, 1917: an Act entitled "An Act to prevent in time of war departure from and entry into the United States contrary to the public safety", approved May 22, 1918; section 215 of this Act; an Act entitled "An Act to punish the willful injury or destruction of war material or of war premises or utilities used in connection with war material, and for other purposes", approved April 20, 1918; sections 2151, 2153, 2154, 2155, and 2156 of title 18, United States Code; an Act entitled "An Act to authorize the President to increase temporarily the Military establishment of the United States", approved May 18, 1917, or any amendment thereof or supplement thereto; the Selective Training and Service Act of 1940; the Selective Service Act of 1948; the Universal Military Training and Service Act; an Act entitled "An Act to punish persons who make threats against the President of the United States", approved February 14, 1917; section 871 of title 18, United States Code; an Act entitled "An Act to define, regulate, and punish trading with the enemy, and for other purposes", approved October 6, 1917, or any amendment thereof; the Trading With the Enemy Act; section 6 of the Penal Code of the United States; section 2384 of title 18, United States Code; has been convicted of any offense against section 13 of the Penal Code of the United States committed during the period of August 1, 1914, to April 6, 1917, or of a conspiracy occurring within said period to commit an offense under said section 13 or of any offense committed during said period against the Act entitled "An Act to protect trade and

commerce against unlawful restraints and monopolies", approved July 2, 1890, in aid of a belligerent in the European war; section 960 of title 18, United States Code; or

DETENTION OF UNDEPORTABLE ALIENS

Sec. 242. (c) When a final order of deportation under administrative processes is made against any alien, the Attorney General shall have a period of six months from the date of such order, or, if judicial review is had, then from the date of the final order of the court, within which to effect the alien's departure from the United States, during which period, at the Attorney General's discretion, the alien may be detained, released on bond in an amount and containing such conditions as the Attorney General may prescribe, or released on such other condition as the Attorney General may prescribe. Any court of competent jurisdiction shall have authority to review or revise any determination of the Attorney General concerning detention, release on bond, or other release during such six-month period upon a conclusive showing in habeas corpus proceedings that the Attorney General is not proceeding with such reasonable dispatch as may be warranted by the particular facts and circumstances in the case of any alien to effect such alien's departure from the United States within such six-month period. If deportation has not been practicable, advisable, or possible, or departure of the alien from the United States under the order of deportation has not been effected, within such six-month period, the alien shall become subject to such further supervision and detention pending eventual deportation as is authorized in this section. The Attorney General is hereby authorized and directed to arrange for appropriate places of detention for those aliens whom he shall take into custody and detain under this section. Where no Federal buildings are available or buildings adapted or suitably located for the purpose are available for rental, the Attorney General is hereby authorized, notwithstanding section 3709 of the Revised Statutes, as amended (41 U. S. C. 5), or section 322 of the Act of June 30, 1932, as amended (40 U. S. C. 278a), to expend, from the appropriation provided for the administration and enforcement of the immigration laws, such amounts as may be necessary for the acquisition of land and the erection, acquisition, maintenance, operation, remodeling, or repair of buildings, sheds, and office quarters (including living quarters for officers where none are otherwise available), and adjunct facilities, necessary for the detention of aliens. For the purposes of this section an order of deportation heretofore of hereafter entered against an alien in legal detention or confinement, other than under an immigration process, shall be considered as being made as of the moment he is released from such detention or confinement, and not prior thereto.

(d) Any alien, against whom a final order of deportation as defined in subsection (c) heretofore or hereafter issued has been outstanding for more than six months, shall, pending eventual deportation, be subject to supervision under regulations prescribed by the Attorney General. Such regulations shall include provisions which will require any alien subject to supervision (1) to appear from time to time before an immigration officer for identification; (2) to submit, if necessary, to medical and psychiatric examination at the expense of the United States; (3) to give information under oath as to his nationality, circumstances, habits, associations, and activities, and such other information, whether or not related to the foregoing, as the Attorney General may deem fit and proper; and (4) to conform to such reasonable written restrictions on his conduct or activities as are prescribed by the Attorney General in his case. Any alien who shall willfully fail to comply with such regulations, or willfully fail to appear or to give information or submit to medical or psychiatric examination if required, or knowingly give false information in relation to the requirements of such regulations, or knowingly violate a reasonable restriction imposed upon his conduct or activity, shall upon conviction be guilty of a felony, and shall be fined not more than $1,000 or shall be imprisoned not more than one year, or both.

(e) Any alien against whom a final order of deportation is outstanding by reason of being a member of any of the classes described in paragraphs (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), or (18) of section 241 (a), who shall willfully fail or refuse to depart from the United States within a period of six months from the date of the final order of deportation under administrative processes, or, if judicial review is had, then from the date of the final order of the court, or from the date of the enactment of the Subversive Activities Control Act of 1950, whichever is the later, or shall willfully fail or refuse to make timely application in good faith for travel or other documents necessary to his departure, or who shall connive or conspire, or take any other action, designed to pre-

vent or hamper or with the purpose of preventing or hampering his departure pursuant to such order of deportation, or who shall willfully fail or refuse to present himself for deportation at the time and place required by the Attorney General pursuant to such order of deportation, shall upon conviction be guilty of a felony, and shall be imprisoned not more than ten years: *Provided*, That this subsection shall not make it illegal for any alien to take any proper steps for the purpose of securing cancellation of or exemption from such order of deportation or for the purpose of securing his release from incarceration or custody: *Provided further*, That the court may for good cause suspend the sentence of such alien and order his release under such conditions as the court may prescribe. In determining whether good cause has been shown to justify releasing the alien, the court shall take into account such factors as (1) the age, health, and period of detention of the alien; (2) the effect of the alien's release upon the national security and public peace or safety; (3) the likelihood of the alien's resuming or following a course of conduct which made or would make him deportable; (4) the character of the efforts made by such alien himself and by representatives of the country or countries to which his deportation is directed to expedite the alien's departure from the United States; (5) the reason for the inability of the Government of the United States to secure passports, other travel documents, or deportation facilities from the country or countries to which the alien has been ordered deported; and (6) the eligibility of the alien for discretionary relief under the immigration laws.

(f) Should the Attorney General find that any alien has unlawfully reentered the United States after having previously departed or been deported pursuant to an order of deportation, whether before or after the date of enactment of this Act, on any ground described in any of the paragraphs enumerated in subsection (e), the previous order of deportation shall be deemed to be reinstated from its original date and such alien shall be deported under such previous order at any time subsequent to such reentry. For the purposes of subsection (e) the date on which the finding is made that such reinstatement is appropriate shall be deemed the date of the final order of deportation.

(g) If any alien, subject to supervision or detention under subsections (c) or (d) of this section is able to depart from the United States under the order of deportation, except that he is financially unable to pay his passage, the Attorney General may in his discretion permit such alien to depart voluntarily, and the expense of such passage to the country to which he is destined may be paid from the appropriation for the enforcement of this Act, unless such payment is otherwise provided for under this Act.

(h) An alien sentenced to imprisonment shall not be deported until such imprisonment has been terminated by the release of the alien from confinement. Parole, probation, or possibility of rearrest or further confinement in respect of the same offense shall not be a ground for deferral of deportation.

REFUSAL OF FOREIGN COUNTRIES TO ACCEPT DEPORTEES

SEC. 243. (g) Upon the notification by the Attorney General that any country upon request denies or unduly delays acceptance of the return of any alien who is a national, citizen, subject, or resident thereof, the Secretary of State shall instruct consular officers performing their duties in the territory of such country to discontinue the issuance of immigrant visas to nationals, citizens, subjects, or residents of such country, until such time as the Attorney General shall inform the Secretary of State that such country has accepted such alien.

(h) The Attorney General is authorized to withhold deportation of any alien within the United States to any country in which in his opinion the alien would be subject to physical persecution and for such period of time as he deems to be necessary for such reason.

REVOCATION OF NATURALIZATION

SEC. 340. (a) * * * *Provided*, That refusal on the part of a naturalized citizen within a period of ten years following his naturalization to testify as a witness in any proceeding before a congressional committee concerning his subversive activities, in a case where such person has been convicted of contempt for such refusal, shall be held to constitute a ground for revocation of such person's naturalization under this subsection as having been procured by concealment of a material fact or by willful misrepresentation.

* * * * * * *

SEC. 340. (g) When a person shall be convicted under section 1425 of title 18 of the United States Code of knowingly procuring naturalization in violation of law, the court in which such conviction is had shall thereupon revoke, set aside, and declare void the final order admitting such person to citizenship, and shall declare the certificate of naturalization of such person to be canceled. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

Study of Immigration Laws

JOINT CONGRESSIONAL COMMITTEE

SEC. 401. (a) There is hereby established a joint congressional committee to be known as the Joint Committee on Immigration and Nationality Policy (hereinafter referred to as the "Committee") to be composed of ten members as follows: (1) five members who are members of the Committee on the Judiciary of the Senate, three from the majority and two from the minority party to be appointed by the President of the Senate; and (2) five members who are members of the Committee on the Judiciary of the House of Representatives, three from the majority and two from the minority party to be appointed by the Speaker of the House of Representatives.

(b) No person shall continue to serve as a member of the Committee after he has ceased to be a member of the Committee on the Judiciary of either the Senate or the House of Representatives.

(c) A vacancy in the membership of the Committee shall be filled in the same manner as the original selection and the Committee shall elect a Chairman from among its members.

(d) It shall be the function of the Committee to make a continuous study of (1) the administration of this Act, and its effect on the national security, the economy, and the social welfare of the United States, and (2) such conditions within or without the United States which in the opinion of the Committee might have any bearing on the immigration and nationality policy of the United States.

(e) The Committee shall make from time to time a report to the Senate and the House of Representatives concerning the results of its studies together with such recommendations as it may deem desirable.

(f) The Secretary of State and the Attorney General shall without delay submit to the Committee all regulations, instructions, and all other information as requested by the Committee relative to the administration of this Act; and the Secretary of State and the Attorney General shall consult with the Committee from time to time with respect to their activities under this Act.

(g) The Committee or any duly authorized Subcommittee thereof is authorized to hold such hearings; to sit and act at such times and places; to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths; to take such testimony; to procure such printing and binding as it deems advisable. The provisions of sections 102 and 104, inclusive, of the Revised Statutes shall apply in case of any failure of any witnesses to comply with any subpena or to testify when summoned under the authority of this Act.

(h) The members of the Committee shall serve without compensation in addition to that received for their services as Members of Congress but they shall be reimbursed for travel, subsistence, and other expenses incurred by them in the performance of the duties vested in the Committee other than expenses in connection with meetings of the Committee held in the District of Columbia during such times as the Congress is in session.

Federal Aid to Educational Institutions

Veterans' Readjustment Assistance Act of 1952 (66 Stat. 667)

INSTITUTIONS LISTED BY ATTORNEY GENERAL

SEC. 228. The Administrator shall not approve the enrollment of, or payment of an education and training allowance to, any eligible veteran in any course in an educational institution or training establishment while it is listed by the Attorney General under section 3 of part III of Executive Order 9835, as amended.

Executive Order 9835, part III, section 3 (12 F. R. 1935; issued March 21, 1947), read:

"The Loyalty Review Board shall currently be furnished by the Department of Justice the name of each foreign or domestic organization, association, movement, group, or combination of persons which the Attorney General, after appropriate investigation and determination, designates as totalitarian, Fascist, Communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconsitutional means.

"a. The Loyalty Review Board shall disseminate such information to all departments and agencies."

Emergency Powers of Executive Branch in Present Period

Act of June 30, 1953 (67 Stat. 133)

[Public Law 99, Chapter 175]

AN ACT To amend title 18, United States Code, entitled "Crimes and Criminal Procedure", with respect to continuing the effectiveness of certain statutory provisions until six months after the termination of the national emergency proclaimed by the President on December 16, 1950.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 105 of title 18, United States Code, is hereby amended by inserting at the end of the chapter analysis preceding section 2151 of such title the following new item:

"2157. Temporary extension of sections 2153 and 2154."

SEC. 2. Title 18, United States Code, is hereby amended by inserting in chapter 105 thereof, immediately after section 2156, a new section, to be designated as section 2157, as follows:

"§ 2157. Temporary extension of sections 2153 and 2154

"(a) The provisions of sections 2153 and 2154 of this title, as amended and extended by section 1 (a) (29) of the Emergency Powers Continuation Act (66 Stat. 333), as further amended by Public Law 12, Eighty-third Congress, in addition to coming into full force and effect in time of war shall remain in full force and effect until six months after the termination of the national emergency proclaimed by the President on December 16, 1950 (Proc. 2912, 3 C. F. R., 1950 Supp., p. 71), or such earlier date as may be prescribed by concurrent resolution of the Congress, and acts which would give rise to legal consequences and penalties under any of these provisions when performed during a state of war shall give rise to the same legal consequences and penalties when they are performed during the period above provided for.

"(b) Effective in each case for the period above provided for, title 18, United States Code, section 2151, is amended by inserting the words 'or defense activities' immediately before the period at the end of the definition of 'war material', and said sections 2153 and 2154 are amended by inserting the words 'or defense activities' immediately after the words 'carrying on the war' wherever they appear therein."

SEC. 3. Chapter 37 of title 18, United States Code, is hereby amended by inserting at the end of the chapter analysis preceding section 791 of such title the following new item:

"798. Temporary extension of section 794."

SEC. 4. Title 18, United States Code, is hereby amended by inserting in chapter 37 thereof immediately after section 797 a new section, to be designated as section 798, as follows:

"§ 798. Temporary extension of section 794

"The provisions of section 794 of this title, as amended and extended by section 1 (a) (29) of the Emergency Powers Continuation Act (66 Stat. 333), as further amended by Public Law 12, Eighty-third Congress, in addition to coming into full force and effect in time of war shall remain in full force and effect until six months after the termination of the national emergency proclaimed by the President on December 16, 1950 (Proc. 2912, 3 C. F. R., 1950 Supp., p. 71), or such earlier date as may be prescribed by concurrent resolution of the Congress,

and acts which would give rise to legal consequences and penalties under section 794 when performed during a state of war shall give rise to the same legal consequences and penalties when they are performed during the period above provided for."

SEC. 5. Chapter 115 of title 18, United States Code, is hereby amended by inserting at the end of the chapter analysis preceding section 2391 of such title the following new item:

"2391 Temporary extension of section 2388."

SEC. 6. Title 18, United States Code, is hereby amended by inserting in chapter 115 thereof, immediately after section 2390, a new section, to be designated as section 2391, as follows:

"**§ 2391. Temporary extension of section 2388.**

"The provisions of section 2388 of this title, as amended and extended by section 1 (a) (29) of the Emergency Powers Continuation Act (66 Stat. 333) as further amended by Public Law 12, Eighty-third Congress, in addition to coming into full force and effect in time of war shall remain in full force and effect until six months after the termination of the national emergency proclaimed by the President on December 16, 1950 (Proc. 2912, 3 C. F. R., 1950 Supp., p. 71), or such earlier date as may be prescribed by concurrent resolution of the Congress, and acts which would give rise to legal consequences and penalties under section 2388 when performed during a state of war shall give rise to the same legal consequences and penalties when they are performed during the period above provided for."

SEC. 7. Section 1 (a) (29) of the Emergency War Powers Continuation Act (66 Stat. 333), is hereby repealed.

Approved June 30, 1953.

Citizenship of Federal Employees

(Public Law 85–48)

SEC. 202. Unless otherwise specified and during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, had filed a declaration of intention to become a citizen of the United States prior to such date, (3) is a person who owes allegiance to the United States, or (4) is an alien from the Baltic countries lawfully admitted to the United States for permanent residence: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony and, upon conviction, shall be fined not more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

Offenses in Connection With Naturalization

18 U. S. Code (Criminal Code)

§ 1423. Misuse of evidence of citizenship or naturalization.

Whoever knowingly uses for any purpose any order, certificate, certificate of naturalization, certificate of citizenship, judgment, decree, or exemplification, unlawfully issued or made, or copies or duplicates thereof, showing any person to

be naturalized or admitted to be a citizen, shall be fined not more than $5,000 or imprisoned not more than five years, or both. (June 25, 1948, ch 645, §1, 62 Stat. 766, eff. Sept. 1, 1948.)

§ 1424. Personation or misuse of papers in naturalization proceedings.

Whoever, whether as applicant, declarant, petitioner, witness or otherwise, in any naturalization or citizenship proceeding, knowingly personates another or appears falsely in the name of a deceased person or in an assumed or fictitious name; or

Whoever knowingly and unlawfully uses or attempts to use, as showing naturalization or citizenship of any person, any order, certificate, certificate of naturalization, certificate of citizenship, judgment, decree, or exemplification, or copies or duplicates thereof, issued to another person, or in a fictitious name or in the name of a deceased person—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 766, eff. Sept. 1, 1948.)

§ 1425. Procurement of citizenship or naturalization unlawfully.

(a) Whoever knowingly procures or attempts to procure, contrary to law, the naturalization of any person, or documentary or other evidence of naturalization or of citizenship; or

(b) Whoever, whether for himself or another person not entitled thereto, knowingly issues, procures or obtains or applies for or otherwise attempts to procure or obtain naturalization, or citizenship, or a declaration of intention to become a citizen, or a certificate of arrival or any certificate or evidence of naturalization or citizenship, documentary or otherwise, or duplicates or copies of any of the foregoing—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 766, eff. Sept. 1, 1948.)

§ 1426. Reproduction of naturalization or citizenship papers.

(a) Whoever falsely makes, forges, alters or counterfeits any oath, notice, affidavit, certificate of arrival, declaration of intention, certificate or documentary evidence of naturalization or citizenship or any order, record, signature, paper or proceeding or any copy thereof, required or authorized by any law relating to naturalization or citizenship or registry of aliens; or

(b) Whoever utters, sells, disposes, of or uses as true or genuine, any false, forged, altered, antedated or counterfeited oath, notice, affidavit, certificate of arrival, declaration of intention to become a citizen, certificate or documentary evidence of naturalization or citizenship, or any order, record, signature, or other instrument, paper or proceeding required or authorized by any law relating to naturalization or citizenship or registry of aliens, or any copy thereof, knowing the same to be false, forged, altered, antedated or counterfeited; or

(c) Whoever, with intent unlawfully to use the same, possesses any false, forged, altered, antedated or counterfeited certificate of arrival, declaration of intention to become a citizen, certificate or documentary evidence of naturalization or citizenship purporting to have been issued under any law of the United States, or copy thereof, knowing the same to be false, forged, altered, antedated or counterfeited; or

(d) Whoever, without lawful authority, engraves or possesses, sells or brings into the United States any plate in the likeness or similitude of any plate designed, for the printing of a declaration of intention, or certificate or documentary evidence of naturalization or citizenship; or

(e) Whoever, without lawful authority, brings into the United States any document printed therefrom; or

(f) Whoever, without lawful authority, possesses any blank certificate of arrival, blank declaration of intention or blank certificate of naturalization or citizenship provided by the Immigration and Naturalization Service, with intent unlawfully to use the same; or

(g) Whoever, with intent unlawfully to use the same, possesses a distinctive paper adopted by the proper officer or agency of the United States for the printing or engraving of a declaration of intention to become a citizen, or certificate of naturalization or certificate of citizenship; or

(h) Whoever, without lawful authority, prints, photographs, makes or executes any print or impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 767, eff. Sept. 1, 1948.)

§ 1427. Sale of naturalization or citizenship papers.

Whoever unlawfully sells or disposes of a declaration of intention to become a citizen, certificate of naturalization, certificate of citizenship or copies or duplicates or other documentary evidence of naturalization or citizenship, shall be fined not more than $5,000 or imprisoned not more than five years, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 767, eff. Sept. 1, 1948.)

§ 1428. Surrender of canceled naturalization certificate.

Whoever, having in his possession or control a certificate of naturalization or citizenship or a copy thereof which has been canceled as provided by law, fails to surrender the same after at least sixty days' notice by the appropriate court or the Commissioner or Deputy Commissioner of Immigration, shall be fined not more than $5,000 or imprisoned not more than five years, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 767, eff. Sept. 1, 1948.)

Passports and Visa Offenses

Chapter 75.—PASSPORTS AND VISAS

Sec.
1541. Issuance without authority.
1542. False statement in application and use of passport.
1543. Forgery or false use of passport.
1544. Misuse of passport.
1545. Safe conduct violation.
1546. Fraud and misuse of visas and permits.

§ 1541. Issuance without authority.

Whoever, acting or claiming to act in any office or capacity under the United States, or a State or possession, without lawful authority grants, issues, or verifies any passport or other instrument in the nature of a passport to or for any person whomsoever; or

Whoever, being a consular officer authorized to grant, issue, or certify passports, knowingly and willfully grants, issues, or verifies any such passport to or for any person not owing allegiance, to the United States, whether a citizen or not—

Shall be fined not more than $500 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 771, eff. Sept. 1, 1948.)

§ 1542. False statement in application and use of passport.

Whoever willfully and knowingly makes any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws; or

Whoever willfully and knowingly uses or attempts to use, or furnishes to another for use any passport the issue of which was secured in any way by reason of any false statement—

Shall be fined not more than $2,000 or imprisoned not more than five years, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 771, eff. Sept. 1, 1948.)

§ 1543. Forgery or false use of passport.

Whoever falsely makes, forges, counterfeits, mutilates, or alters any passport or instrument purporting to be a passport, with intent that the same may be used; or

Whoever willfully and knowingly uses, or attempts to use, or furnishes to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same—

Shall be fined not more than $2,000 or imprisoned not more than five years, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 771, eff. Sept. 1, 1948.)

§ 1544. Misuse of passport.

Whoever willfully and knowingly uses, or attempts to use, any passport issued or designed for the use of another; or

Whoever willfully and knowingly uses or attempts to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports; or

Whoever willfully and knowingly furnishes, disposes of, or delivers a passport to any person, for use by another than the person for whose use it was originally issued and designed—

Shall be fined not more than $2,000 or imprisoned not more than five years, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 771, eff. Sept. 1, 1948.)

Internal Revenue Code

(26 U. S. C. 101)

§ 101. Exemptions from tax on corporations

The following organizations shall be exempt from taxation under this chapter—

(1) Labor, agricultural, or horticultural organizations;

(2) Mutual savings banks not having a capital stock represented by shares;

(3) Fraternal beneficiary societies * * *

(4) Domestic building and loan associations substantially all the business of which is confined to making loans to members; * * *

(5) Cemetery companies owned and operated exclusively for the benefit of their members * * *

(6) Corporations * * * organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes * * * no part of the net earnings of which inures to the benefit of any private * * * individual * * *

Cooperation Between Branches of Government in Dealing With Subversive Activities

Presidential Directive (13 F. R. 1359)

DIRECTIVE OF MARCH 13, 1948

[CONFIDENTIAL STATUS OF EMPLOYEE LOYALTY RECORDS]

MEMORANDUM TO ALL OFFICERS AND EMPLOYEES IN THE EXECUTIVE BRANCH OF THE GOVERNMENT

The efficient and just administration of the Employee Loyalty Program, under Executive Order No. 9835 of March 21, 1947, requires that reports, records, and files relative to the program be preserved in strict confidence. This is necessary in the interest of our national security and welfare, to preserve the confidential character and sources of information furnished, and to protect Government personnel against the dissemination of unfounded or disproved allegations. It is necessary also in order to insure the fair and just disposition of loyalty cases.

For these reasons, and in accordance with the long-established policy that reports rendered by the Federal Bureau of Investigation and other investigative agencies of the executive branch are to be regarded as confidential, all reports, records, and files relative to the loyalty of employees or prospective employees (including reports of such investigative agencies), shall be maintained in confidence, and shall not be transmitted or disclosed except as required in the efficient conduct of business.

Any subpena or demand or request for information, reports, or files of the nature described, received from sources other than those persons in the executive branch of the Government who are entitled thereto by reason of their official duties, shall be respectfully declined, on the basis of this directive, and the subpena or demand or other request shall be referred to the Office of the President for such response as the President may determine to be in the public interest in the particular case. There shall be no relaxation of the provisions of this directive except with my express authority.

This directive shall be published in the FEDERAL REGISTER.

HARRY S. TRUMAN.

THE WHITE HOUSE,
March 13, 1948.

[F. R. Doc. 48-2337; Filed Mar. 15, 1948; 1:12 p. m.]

Federal Loyalty Program

(18 F. R. 2489)

EXECUTIVE ORDER 10450

SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

Whereas the interests of the national security require that all persons privileged to be employed in the departments and agencies of the Government, shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States; and

Whereas the American tradition that all persons should receive fair, impartial, and equitable treatment at the hands of the Government requires that all persons seeking the privilege of employment or privileged to be employed in the departments and agencies of the Government be adjudged by mutually consistent and no less than minimum standards and procedures among the departments and agencies governing the employment and retention in employment of persons in the Federal service:

Now, therefore, by virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U. S. C. 631); the Civil Service Act of 1883 (22 Stat. 403; 5 U. S. C. 632, *et seq.*); section 9A of the act of August 2, 1939, 53 Stat. 1148 (5 U. S. C. 118 j); and the act of August 26, 1950, 64 Stat. 476 (5 U. S. C. 22–1, *et seq.*), and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows:

SECTION 1. In addition to the departments and agencies specified in the said act of August 26, 1950, and Executive Order No. 10237 of April 26, 1951, the provisions of that act shall apply to all other departments and agencies of the Government.

SEC. 2. The head of each department and agency of the Government shall be responsible for establishing and maintaining within his department or agency an effective program to insure that the employment and retention in employment of any civilian officer or employee within the department or agency is clearly consistent with the interests of the national security.

SEC. 3. (a) The appointment of each civilian officer or employee in any department or agency of the Government shall be made subject to investigation. The scope of the investigation shall be determined in the first instance according to the degree of adverse effect the occupant of the position sought to be filled could bring about, by virtue of the nature of the position, on the national security, but in no event shall the investigation include less than a national agency check (including a check of the fingerprint files of the Federal Bureau of Investigation), and written inquiries to appropriate local law-enforcement agencies, former employers and supervisors, references, and schools attended by the person under investigation: *Provided*, That upon request of the head of the department or agency concerned, the Civil Service Commission may, in its discretion, authorize such less investigation as may meet the requirements of the national security with respect to per diem, intermittent, temporary, or seasonal employees, or aliens employed outside the United States. Should there develop at any stage of investigation information indicating that the employment of any such person may not be clearly consistent with the interests of the national security, there shall be conducted with respect to such person a full field investigation, or such less investigation as shall be sufficient to enable the head of the department or agency concerned to determine whether retention of such person is clearly consistent with the interests of the national security.

(b) The head of any department or agency shall designate, or cause to be designated, any position within his department or agency the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security as a sensitive position. Any position so designated shall be filled or occupied only by a person with respect to whom a full field investigation has been conducted: *Provided*, That a person occupying a sensitive position at the time it is designated as such may continue to occupy such position pending the completion of a full field investigation, subject to the other provisions of this order: *And provided further*, That in case of emergency a sensitive position may be filled for a limited period by a person with respect to whom a full field preappointment investigation has not been completed if the head of the department or agency concerned finds that such action is necessary in the

national interest, which finding shall be made a part of the records of such department or agency.

SEC. 4. The head of each department and agency shall review, or cause to be reviewed, the cases of all civilian officers and employees with respect to whom there has been conducted a full field investigation under Executive Order No. 9835 of March 21, 1947, and, after such further investigation as may be appropriate, shall re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, such of those cases as have not been adjudicated under a security standard commensurate with that established under this order.

SEC. 5. Whenever there is developed or received by any department or agency information indicating that the retention in employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, such information shall be forwarded to the head of the employing department or agency or his representative, who, after such investigation as may be appropriate, shall review, or cause to be reviewed, and, where necessary, re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, the case of such officer or employee.

SEC. 6. Should there develop at any stage of investigation information indicating that the employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, the head of the department or agency concerned or his representative shall immediately suspend the employment of the person involved if he deems such suspension necessary in the interests of the national security and, following such investigation and review as he deems necessary, the head of the department or agency concerned shall terminate the employment of such suspended officer or employee whenever he shall determine such termination necessary or advisable in the interests of the national security, in accordance with the said act of August 26, 1950.

SEC. 7. Any person whose employment is suspended or terminated under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950, or pursuant to the said Executive Order No. 9835 or any other security or loyalty program relating to officers or employees of the Government, shall not be reinstated or restored to duty or reemployed in the same department or agency and shall not be reemployed in any other department or agency, unless the head of the department or agency concerned finds that such reinstatement, restoration, or reemployment is clearly consistent with the interests of the national security, which finding shall be made a part of the records of such department or agency: *Provided*, that no person whose employment has been terminated under such authority thereafter may be employed by any other department or agency except after a determination by the Civil Service Commission that such person is eligible for such employment.

SEC. 8. (a) The investigations conducted pursuant to this order shall be designed to develop information as to whether the employment or retention in employment in the Federal service of the person being investigated is clearly consistent with the interests of the national security. Such information shall relate, but shall not be limited, to the following:

(1) Depending on the relation of the Government employment to the national security:

(i) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(ii) Any deliberate misrepresentations, falsifications, or omissions of material facts.

(iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(iv) An adjudication of insanity, or treatment for serious mental or neurological disorder without satisfactory evidence of cure.

(v) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interest of the national security.

(2) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United

States, or with any person who advocates the use of force or violence to overthrow the government of the United States or the alteration of the form of government of the United States by unconstitutional means.

(4) Advocacy of use of force or violence to overthrow the government of the United States, or of the alteration of the form of government of the United States by unconstitutional means.

(5) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows, a policy of advocating or approving the commission of the acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of government of the United States by unconstitutional means.

(6) Intentional, unauthorized disclosure to any person of security information, or of other information disclosure of which is prohibited by law, or willful violation or disregard of security regulations.

(7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(b) The investigation of persons entering or employed in the competitive service shall primarily be the responsibility of the Civil Service Commission, except in cases in which the head of a department or agency assumes that responsibility pursuant to law or by agreement with the Commission. The Commission shall furnish a full investigative report to the department or agency concerned.

(c) The investigation of persons (including consultants, however employed), entering employment of, or employed by, the Government other than in the competitive service shall primarily be the responsibility of the employing department or agency. Departments and agencies without investigative facilities may use the investigative facilities of the Civil Service Commission, and other departments and agencies may use such facilities under agreement with the Commission.

(d) There shall be referred promptly to the Federal Bureau of Investigation all investigations being conducted by any other agencies which develop information indicating that an individual may have been subjected to coercion, influence, or pressure to act contrary to the interests of the national security, or information relating to any of the matters described in subdivisions (2) through (7) of subsection (a) of this section. In cases so referred to it, the Federal Bureau of Investigation shall make a full field investigation.

SEC. 9. (a) There shall be established and maintained in the Civil Service Commission a security-investigations index covering all persons as to whom security investigations have been conducted by any department or agency of the Government under this order. The central index established and maintained by the Commission under Executive Order No. 9835 of March 21, 1947, shall be made a part of the security-investigations index. The security-investigations index shall contain the name of each person investigated, adequate identifying information concerning each such person, and a reference to each department and agency which has conducted an investigation concerning the person involved or has suspended or terminated the employment of such person under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950.

(b) The heads of all departments and agencies shall furnish promptly to the Civil Service Commission information appropriate for the establishment and maintenance of the security-investigation index.

(c) The reports and other investigative material and information developed by investigations conducted pursuant to any statute, order, or program described in section 7 of this order shall remain the property of the investigative agencies conducting the investigations, but may, subject to considerations of the national security, be retained by the department or agency concerned. Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given thereto except, with the consent of the investigative agency concerned, to other departments and agencies conducting security programs under the authority granted by or in accordance with the said act of August 26, 1950, as may be required for the efficient conduct of Government business.

SEC. 10. Nothing in this order shall be construed as eliminating or modifying in any way the requirement for any investigation or any determination as to security which may be required by law.

SEC. 11. On and after the effective date of this order the Loyalty Review Board established by Executive Order No. 9835 of March 21, 1947, shall not accept agency findings for review, upon appeal or otherwise. Appeals pending before the Loyalty Review Board on such date shall be heard to final determination in accordance with the provisions of the said Executive Order No. 9835, as amended. Agency determination favorable to the officer or employee concerned pending before the Loyalty Review Board on such date shall be acted upon by such Board, and whenever the Board is not in agreement with such favorable determination the case shall be remanded to the department or agency concerned for determination in accordance with the standards and procedures established pursuant to this order. Cases pending before the regional loyalty boards of the Civil Service Commission on which hearings have not been initiated on such date shall be referred to the department or agency concerned. Cases being heard by regional loyalty boards on such date shall be heard to conclusion, and the determination of the board shall be forwarded to the head of the department or agency concerned: *Provided*, that if no specific department or agency is involved, the case shall be dismissed without prejudice to the applicant. Investigations pending in the Federal Bureau of Investigation or the Civil Service Commission on such date shall be completed, and the reports thereon shall be made to the appropriate department or agency.

SEC. 12. Executive Order No. 9835 of March 21, 1947, as amended, is hereby revoked. For the purposes described in section 11 hereof the Loyalty Review Board and the regional loyalty boards of the Civil Service Commission shall continue to exist and function for a period of one hundred and twenty days from the effective date of this order, and the Department of Justice shall continue to furnish the information described in paragraph 3 of Part III of the said Executive Order No. 9835, but directly to the head of each department and agency.

SEC. 13. The Attorney General is requested to render to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate employee-security program.

SEC. 14. (a) The Civil Service Commission, with the continuing advice and collaboration of representatives of such departments and agencies as the National Security Council may designate, shall make a continuing study of the manner in which this order is being implemented by the departments and agencies of the Government for the purpose of determining:

(1) Deficiencies in the department and agency security programs established under this order which are inconsistent with the interests of, or directly or indirectly weaken, the national security.

(2) Tendencies in such programs to deny to individual employees fair, impartial, and equitable treatment at the hands of the Government, or rights under the Constitution and laws of the United States or this order.

Information affecting any department or agency developed or received during the course of such continuing study shall be furnished immediately to the head of the department or agency concerned. The Civil Service Commission shall report to the National Security Council, at least semiannually, on the results of such study, and shall recommend means to correct any such deficiencies or tendencies.

(b) All departments and agencies of the Government are directed to cooperate with the Civil Service Commission to facilitate the accomplishment of the responsibilities assigned to it by subsection (a) of this section.

SEC. 15. This order shall become effective thirty days after the date hereof.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE,
April 27, 1953.

[F.R. Doc. 53-3794; Filed Apr. 27, 1953; 4:04 p. m.]

Cooperation Between Branches of Government in Dealing With Subversive Activities

(18 F. R. 6583)

EXECUTIVE ORDER 10491

AMENDMENT OF EXECUTIVE ORDER NO. 10450 OF APRIL 27, 1953, RELATING TO SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

By virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U. S. C. 631); the Civil Service Act of 1883 (22 Stat. 403; 5 U. S. C. 632, et seq.); section 9A of the act of August 2, 1939, 53 Stat. 1148 (5 U. S. C. 118 j); and the act of August 26, 1950, 64 Stat. 476 (5 U. S. C. 22–1, et seq.), and as President of the United States, and finding such action necessary in the best interests of the national security, it is hereby ordered as follows:

Subsection (a) of section 8 of Executive Order No. 10450 of April 27, 1953, relating to security requirements for Government employment, is hereby amended by adding thereto at the end thereof paragraph (8) as follows:

"(8) Refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a congressional committee regarding charges of his alleged disloyalty or other misconduct."

DWIGHT D. EISENHOWER.

THE WHITE HOUSE,
October 13, 1953

[F. R. Doc. 53-8890; Filed Oct. 15, 1953; 10:51 a. m.]

Restriction of American Travel in Iron Curtain Countries

State Department Regulation 108.162 (17 F. R. 8013), filed September 1952.

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.162]

PART 51—PASSPORTS

SUBPART B—REGULATIONS OF THE SECRETARY OF STATE

LIMITATIONS OF ISSUANCE OF PASSPORTS; NOTIFICATION AND APPEAL

Pursuant to the authority vested in me by paragraph 126 of Executive Order No. 7856, issued on March 31, 1938 (3 F. R. 681; 22 CFR 51.77), under authority of section 1 of the act of Congress approved July 3, 1926 (44 Stat. 887; 22 U. S. C. 211 (a)), the regulations issued on March 31, 1938 (Departmental Order 749) as amended (22 CFR 51.101 to 51.134) are hereby further amended by the addition of new §§ 51.135 to 51.143 as follows:

Sec.

AUTHORITY: §§ 51.135 to 51.143 issued under sec. 1, 44 Stat. 887; 22 U. S. C. 211a.

§ 51.135 *Limitations on issuance of passports to persons supporting Communist movement.* In order to promote the national interest by assuring that persons who support the world Communist movement of which the Communist Party is an integral unit may not, through use of United States passports, further the purposes of that movement, no passport, except one limited for direct and immediate return to the United States, shall be issued to:

(a) Persons who are members of the Communist Party or who have recently terminated such membership under such circumstances as to warrant the conclu-

sion—not otherwise rebutted by the evidence—that they continue to act in furtherance of the interests and under the discipline of the Communist Party;

(b) Persons, regardless of the formal state of their affiliation with the Communist Party, who engage in activities which support the Communist movement under such circumstances as to warrant the conclusion—not otherwise rebutted by the evidence—that they have engaged in such activities as a result of direction, domination, or control exercised over them by the Communist movement.

(c) Persons, regardless of the formal state of their affiliation with the Communist Party, as to whom there is reason to believe, on the balance of all the evidence, that they are going abroad to engage in activities which will advance the Communist movement for the purpose, knowingly and wilfully of advancing that movement.

§ 51.136 *Limitations on issuance of passports to persons likely to violate laws of the United States.* In order to promote the national interest by assuring that the conduct of foreign relations shall be free from unlawful interference, no passport, except one limited for direct and immediate return to the United States, shall be issued to persons as to whom there is reason to believe, on the balance of all the evidence, that they are going abroad to engage in activities while abroad which would violate the laws of the United States, or which if carried on in the United States would violate such laws designed to protect the security of the United States.

§ 51.137 *Notification to person whose passport application is tentatively disapproved.* A person whose passport application is tentatively disapproved under the provisions of § 51.135 or § 51.136 will be notified in writing of the tentative refusal, and of the reasons on which it is based, as specifically as in the judgment of the Department of State security considerations permit. He shall be entitled, upon request, and before such refusal becomes final, to present his case and all relevant information informally to the Passport Division. He shall be entitled to appear in person before a hearing officer of the Passport Division, and to be represented by counsel. He will, upon request, confirm his oral statements in an affidavit for the record. After the applicant has presented his case, the Passport Division will review the record, and after consultation with other interested offices, advise the applicant of the decision. If the decision is adverse, such advice will be in writing and shall state the reasons on which the decision is based as specifically as within the judgment of the Department of State security limitations permit. Such advice shall also inform the applicant of his right to appeal under § 51.138.

§ 51.138. *Appeal by passport applicant.* In the event of a decision adverse to the applicant, he shall be entitled to appeal his case to the Board of Passport Appeals provided for in § 51.139.

Restrictions on Travel by Soviet and Satellite Diplomats

DEPARTMENT OF STATE

For the press March 10, 1952, No. 181

For release at 12:00 noon, E. S. T., Tuesday, March 11, 1952. Not to be previously published, quoted from or used in any way

REGULATION OF TRAVEL OF SOVIET OFFICIALS IN THE UNITED STATES

The United States Government has instituted travel regulations for Soviet officials stationed in the United States.

For some time the Soviet Government has sharply restricted the travel of foreign officials including United States representatives stationed in the U. S. S. R. A short time ago the Soviet Government further increased these travel restrictions. The United States Government has therefore instituted regulations governing the travel of Soviet officials in the United States. This step has been taken reluctantly, because the American people and their Government believe that such treatment of foreign representatives by a receiving state is not necessary, customary or correct nor is it conducive to the proper conduct of relations between nations. Unfortunately, the Soviet Government does not appear to share this view; but rather it has tended constantly toward the imposition of greater restrictions on the legitimate activities of foreign officials.

The present regulations are outlined in a note sent March 10 to the Soviet Embassy in Washington. A copy of this note is appended.

As is made clear in the note to the Soviet Embassy, the United States is prepared at any time to reexamine the question of travel regulations in the light of the treatment accorded United States official representatives in the Soviet Union.

TEXT OF NOTE FROM SECRETARY OF STATE DEAN ACHESON TO THE AMBASSADOR OF THE UNION OF SOVIET SOCIALIST REPUBLICS, ALEXANDER S. PANYUSHKIN

The Secretary of State presents his compliments to His Excellency the Ambassador of the Union of Soviet Socialist Republics and has the honor to invite the Ambassador's attention to note No. 46/PR of January 15, 1952, note No. 1130/PR of September 30, 1948, and the note verbale dated May 16, 1941, addressed to the United States Embassy at Moscow by the Ministry of Foreign Affairs, the effect of which has been to restrict the travel in the Soviet Union of American diplomatic and consular officers, as well as of the other members of the staff of the American Embassy at Moscow.

In view of the restrictions which have been placed upon the travel of American diplomatic and consular representatives and the employees in the Soviet Union, the Government of the United States is constrained to regulate the travel of Soviet personnel assigned to the Embassy in Washington, Soviet representatives of the official Soviet news agency, Tass, and Soviet representatives of other publicity media who are assigned for duty in Washington, and Soviet official personnel assigned to Amtorg in New York. Effective immediately Soviet official personnel of the Embassy in Washington, Tass representatives, and others who are Soviet citizens assigned for newspaper work in Washington are required not to travel to any point more than 25 miles distant from the center of Washington without previous official notification at least 48 hours in advance. Soviet official personnel assigned to Amtorg shall not travel to any point more than 25 miles distant from the center of New York City without previous official notification at least 48 hours in advance.

In the case of Soviet civilian officials, the notification should be addressed to the Department of State; and in the case of Soviet military personnel to the appropriate Army, Navy or Air Force foreign liaison office. Notification should contain the name of each traveler, complete and detailed information concerning his projected travel, including itinerary, points of stopover, and duration of journey.

The United States Government observes that by reason of the action of the Soviet Government in restricting the travel of United States official personnel in the U. S. S. R. it is compelled similarly to regulate Soviet official personnel. At the same time the United States Government states it is prepared to re-examine the question of travel regulations in the light of the treatment accorded United States official representatives in the Soviet Union.

TRAVEL RESTRICTIONS PLACED BY THE SOVIET GOVERNMENT ON AMERICAN OFFICIALS IN THE U. S. S. R.

Travel restrictions were first placed upon American officials as well as other foreign representatives in the U. S. S. R. by a circular note from the Soviet Foreign Office to foreign missions in Moscow dated May 16, 1941. The Soviet note declared travel to certain points and localities prohibited and established a procedure under which travel on the territory of the U. S. S. R. by members of foreign embassies, legations, and consulates may take place "only on condition that such persons previously inform appropriate organs of the Peoples Commissariat for Foreign Affairs, Peoples Commissariat for Defense, and Peoples Commissariat for Navy with regard to trips planned, indicating itinerary, points of stopover, and length of travel so that such trips may be registered by above-mentioned organs."

On June 7, 1941 the United States imposed retaliatory restrictions which required Soviet officials in this country to secure permits for travel more than 100 miles outside of Washington (and 50 miles outside of New York and San Francisco). These retaliatory restrictions were withdrawn shortly after the German attack on the U. S. S. R.

The Soviet regulations were not officially withdrawn although application of the provisions was relaxed for a short time at the end of the war. By 1947 it had become evident that the Soviet authorities were actively hindering the movements of official American personnel outside of Moscow. In the summer of 1948 the hindrances were extended to automobile travel only a short distance from Moscow.

On September 30, 1948, the Soviet Ministry of Foreign Affairs notified the American Embassy and other foreign missions at Moscow that the 1941 restrictions were still in effect and added a new and greatly expanded list of localities closed to travel by members of the staffs of foreign missions. Under the 1948 procedure, however, foreign officials were required to give the Soviet Foreign Office (military personnel—the Foreign Liaison Section of the Ministry of Armed Forces) 48 hours advance notice of their intention to travel more than 50 kilometers outside of Moscow. Beyond this 50 kilometer zone travel was permitted only by public carrier except to three points of historic interest near the city. Even within this 50 kilometer perimeter certain areas were forbidden for travel, with the result that automobile travel to the 50 kilometer limit was possible on only four highways.

In general, the border areas, the Central Asian Republics, the Caucasus region with the exception of Tiflis, the Baltic States, and the Western areas of the Ukraine and Byelorussia, including the capital cities of Kiev and Minsk were placed within the zones prohibited to foreign officials. Although most of the Siberian area was left technically "free," in practice it was greatly restricted owing to the fact that the important cities were forbidden areas and therefore no facilities were available for foreign visitors.

On January 15, 1952, the Soviet Ministry of Foreign Affairs prohibited 22 additional cities of the U. S. S. R. to foreigners and reduced the zone around Moscow from 50 to 40 kilometers from the center of the city. In addition, several more districts within the 40 kilometer limit were placed on the prohibited list, thus reducing to a great extent the number of places to which foreign officials may travel in the U. S. S. R. or in the Moscow area.

Restriction of American Travel in Iron Curtain Countries

DEPARTMENT OF STATE

For the press May 1, 1952, No. 341

The Department of State announced today that it was taking additional steps to warn American citizens of the risks of travel in Iron Curtain countries by stamping all passports not valid for travel in those countries unless specifically endorsed by the Department of State for such travel.

In making this announcement, the Department emphasized that this procedure in no way forbids American travel to those areas. It contemplates that American citizens will consult the Department or the Consulates abroad to ascertain the dangers of traveling in countries where acceptable standards of protection do not prevail and that, if no objection is perceived, the travel may be authorized.

All new passports will be stamped as follows:

This passport is not valid for travel to Albania, Bulgaria, China, Czechoslovakia, Hungary, Poland, Rumania or the Union of Soviet Socialist Republics unless specifically endorsed under authority of the Department of State as being valid for such travel.

All outstanding passports, which are equally subject to the restriction, will be so endorsed as occasion permits.

Mailing Privileges of Foreign Embassies

DEPARTMENT OF STATE

For the press December 31, 1953, No. 680

BAN ON RUMANIAN PUBLICATIONS IN UNITED STATES

In a note delivered to the Rumanian legation today, the Department of State notified the legation to cease forthwith the publication and distribution within the United States of "The Romanian News", a periodical issued by the Legation. At the same time, the Department directed the Legation to stop the distribution of other similar pamphlets published at the expense of the Rumanian Government or its organs.

This step was taken as a result of the action of the Rumanian Government in banning the further distribution in Rumania of a publication issued by our Lega-

tion in Bucharest entitled "Stir din America" (News from America). On December 29, our Minister to Rumania, Mr. Harold Shantz, was notified by the Foreign Office that our Legation must cease the distribution of the American publication. This publication was a small monthly bulletin which sought to give its readers an accurate picture of American life and thought. The first issue appeared in October of this year; its circulation was approximately 1,600 copies.

The text of the United States note is as follows:

"The Secretary of State presents his compliments to the Honorable the Minister of Rumania and has the honor to refer to the dissemination of publications within the United States at the instance of the Rumanian Legation. Special reference is made to the periodical bulletin entitled, *The Romanian News*.

"As the Legation is doubtless aware, the Rumanian Government has requested the American Legation at Bucharest to cease further distribution in Rumania of a periodical issued by that Legation entitled *News From America*.

"Accordingly, the Department of State requests the Rumanian Legation to cease forthwith the publication and distribution in the United States of *The Romanian News*. The distribution in the United States by the Rumanian Legation of other similar pamphlets published at the expense of the Rumanian Government or its organs should also be terminated."

Immunity for Congressional Witnesses (68 Stat. 745, ch. 769)

Criminal Code—Sec. 3486. Testimony Before Congress: Immunity

As amended by Public Law 600, 83d Congress (68 Stat. 745, c. 769):

"§ 3486. Compelled testimony tending to incriminate witnesses; immunity

"(a) In the course of any investigation relating to any interference with or endangering of, or any plans or attempts to interfere with or endanger the national security or defense of the United States by treason, sabotage, espionage, sedition, seditious conspiracy or the overthrow of its Government by force or violence, no witness shall be excused from testifying or from producing books, papers, or other evidence before either House, or before any committee of either House, or before any joint committee of the two Houses of Congress on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, when the record shows that—

"(1) in the case of proceedings before one of the Houses of Congress, that a majority of the members present of that House; or

"(2) in the case of proceedings before a committee, that two-thirds of the members of the full committee shall by affirmative vote have authorized such witness to be granted immunity under this section with respect to the transactions, matters, or things concerning which he is compelled, after having claimed his privilege against self-incrimination to testify or produce evidence by direction of the presiding officer and

that an order of the United States district court for the district wherein the inquiry is being carried on has been entered into the record requiring said person to testify or produce evidence. Such an order may be issued by a United States district court judge upon application by a duly authorized representative of the Congress or of the committee concerned. But no such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is so compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled be used as evidence in any criminal proceeding (except prosecutions described in subsection (d) hereof) against him in any court.

"(b) Neither House nor any committee thereof nor any joint committee of the two Houses of Congress shall grant immunity to any witness without first having notified the Attorney General of the United States of such action and thereafter having secured the approval of the United States district court for the district wherein such inquiry is being held. The Attorney General of the United States shall be notified of the time of each proposed application to the United States district court and shall be given the opportunity to be heard with respect thereto prior to the entrance into the record of the order of the district court.

"(c) Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness, in any case or proceeding before any grand jury or court of the United States involving any interference with or endangering of, or any plans or attempts

to interfere with or endanger, the national security or defense of the United States by treason, sabotage, espionage, sedition, seditious conspiracy, violations of chapter 115 of title 18 of the United States Code, violations of the Internal Security Act of 1950 (64 Stat. 987), violations of the Atomic Energy Act of 1946 (60 Stat. 755), as amended, violations of sections 212 (a) (27), (28), (29) or 241 (a) (6), (7) or 313 (a) of the Immigration and Nationality Act (66 Stat. 182–186; 204–206; 240–241), and conspiracies involving any of the foregoing, is necessary to the public interest, he, upon the approval of the Attorney General, shall make application to the court that the witness shall be instructed to testify or produce evidence subject to the provisions of this section, and upon order of the court such witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled be used as evidence in any criminal proceeding (except prosecution described in subsection (d) hereof) against him in any court.

"(d) No witness shall be exempt under the provisions of this section from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this section."

Communist Control Act of 1954 (68 Stat. 777)

PROSCRIBED ORGANIZATIONS

SEC. 3. The Communist Party of the United States, or any successors of such party regardless of the assumed name, whose object or purpose is to overthrow the Government of the United States, or the government of any State, Territory, District, or possession thereof, or the government of any political subdivision therein by force and violence, are not entitled to any of the rights, privileges, and immunities attendant upon legal bodies created under the jurisdiction of the laws of the United States or any political subdivision thereof; and whatever rights, privileges, and immunities which have heretofore been granted to said party or any subsidiary organization by reason of the laws of the United States or any political subdivision thereof, are hereby terminated: *Provided, however,* That nothing in this section shall be construed as amending the Internal Security Act of 1950, as amended.

SUBVERSIVE ACTIVITIES CONTROL ACT AMENDMENT

SEC. 6. Subsection 5 (a) (1) of the Subversive Activities Control Act of 1950 (50 U. S. C. 784) is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "or

"(E) to hold office or employment with any labor organization, as that term is defined in section 2 (5) of the National Labor Relations Act, as amended (29 U. S. C. 152), or to represent any employer in any matter or proceeding arising or pending under that Act."

COMMUNIST-INFILTRATED ORGANIZATIONS

SEC. 7. (a) Section 3 of the Subversive Activities Control Act of 1950 (50 U. S. C. 782) is amended by inserting, immediately after paragraph (4) thereof, the following new paragraph:

"(4A) The term 'Communist-infiltrated organization' means any organization in the United States (other than a Communist-action organization or a Communist-front organization) which (A) is substantially directed, dominated, or controlled by an individual or individuals who are, or who within three years have been actively engaged in, giving aid or support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title, and (B) is serving, or within three years has served, as a means for (i) the giving of aid or support to any such organization, government, or movement, or (ii) the impairment of the military strength of the United States or its industrial capacity to furnish logistical or other material support required by its Armed Forces: *Provided, however,* That any labor organization which is an affiliate in good standing of a national federation or other

labor organization whose policies and activities have been directed to opposing Communist organizations, any Communist foreign government, or the world Communist movement, shall be presumed prima facie not to be a 'Communist-infiltrated organization' ".

"(b) Paragraph (5) of such section is amended to read as follows:

"(5) The term 'Communist organization' means any Communist-action organization, Communist-front organization, or Communist-infiltrated organization."

Section 13A (e) of the Communist Control Act of 1954

(68 Stat. 778, as amended by 69 Stat. 375, ch. 381)

"(e) In determining whether any organization is a Communist-infiltrated organization, the Board shall consider—

"(1) to what extent, if any, the effective management of the affairs of such organization is conducted by one or more individuals who are, or within three years have been, (A) members, agents, or representatives of any Communist organization, and Communist foreign government, or the world Communist movement referred to in section 2 of this title, with knowledge of the nature and purpose thereof, or (B) engaged in giving aid or support to any such organization, government, or movement with knowledge of the nature and purpose thereof;

"(2) to what extent, if any, the policies of such organization are, or within three years have been formulated and carried out pursuant to the direction or advice of any member, agent, or representative of any such organization, government, or movement;

"(3) to what extent, if any, the personnel and resources of such organization are, or within three years have been, used to further or promote the objectives of any such Communist organization, government, or movement;

"(4) to what extent, if any, such organization within three years has received from, or furnished to or for the use of any such Communist organization, government, or movement any funds or other material assistance;

"(5) to what extent, if any, such organization is, or within three years has been, affiliated in any way with any such Communist organization, government, or movement;

"(6) to what extent, if any, the affiliation of such organization, or of any individual or individuals who are members thereof or who manage its affairs, with any such Communist organization, government, or movement is concealed from or is not disclosed to the membership of such organization; and

"(7) to what extent, if any, such organization or any of its members or managers are, or within three years have been, knowingly engaged—

"(A) in any conduct punishable under section 4 or 15 of this Act or under chapter 37, 105, or 115 of title 18 of the United States Code; or

"(B) with intent to impair the military strength of the United States or its industrial capacity to furnish logistical or other support required by its armed forces, in any activity resulting in or contributing to any such impairment."

Espionage and Sabotage Act of 1954

(68 Stat. 1219; 18 U. S. C. 794)

Sec. 794. Disclosure of Information Relating to National Defense.

As superseded by Espionage and Sabotage Act of 1954 (P. L. 777, 83d Cong., sec. 201, 68 Stat. 1219):

"(a) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation communicates, delivers, or transmits, or attempts to communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by death or by imprisonment for any term of years or for life."

Present Statute of Limitations—Criminal Offenses

(18 U. S. C. § 3282)

§ 3282. Offenses not capital

Except as otherwise expressly provided by law, no person shall be prosecuted, tried, or punished for any offense, not capital, unless the indictment is found or the information is instituted within five years next after such offense shall have been committed. As amended Sept. 1, 1954, c. 1214, § 10 (a), 68 Stat. 1145.

Increased Penalties for Seditious Conspiracy

(70 Stat. 623)

AN ACT To amend title 18 of the United States Code, so as to increase the penalties, applicable to seditious conspiracy, advocating overthrow of government, and conspiracy to advocate overthrow of government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2384 of title 18, United States Code, is amended by striking out "$5,000" and inserting in lieu thereof "$20,000" and by striking out "six years" and inserting in lieu thereof "twenty years".

SEC. 2. Section 2385 of title 18, United States Code, is amended by striking out "$10,000" and inserting in lieu thereof "$20,000" and by striking out "ten years" and inserting in lieu thereof "twenty years" and by adding at the end thereof the following paragraph:

"If two or more persons conspire to commit any offense named in this section, each shall be fined not more than $20,000 or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction."

SEC. 3. The foregoing amendments shall apply only with respect to offenses committed on and after the date of the enactment of this Act.

Approved July 24, 1956

Foreign Agents' Registration

Public Law 893, 84th Cong., 2d Sess., August 1, 1956

AN ACT To require the registration of certain persons who have knowledge of or have received instruction or assignment in the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20 of the Internal Security Act of 1950 is amended by repealing subsection (a), and by deleting the designation "(b)" which appears in said section.

SEC. 2. Except as provided in section 3 of this Act, every person who has knowledge of, or has received instruction or assignment in, the espionage, counter-espionage, or sabotage service or tactics of a government of a foreign country or of a foreign political party, shall register with the Attorney General by filing with the Attorney General a registration statement in duplicate, under oath, prepared and filed in such manner and form, and containing such statements, information, or documents pertinent to the purposes and objectives of this Act as the Attorney General, having due regard for the national security and the public interest, by regulations prescribes.

SEC. 3. The registration requirements of section 2 of this Act do not apply to any person—

(a) who has obtained knowledge of or received instruction or assignment in the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party by reason of civilian, military, or police service or employment with the United States Government, the governments of the several States, their political subdivisions, the Distict of Columbia, the Territories, or the Canal Zone;

(b) who has obtained such knowledge solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party;

(c) who has made full disclosure of such knowledge, instruction, or assignment to officials within an agency of the United States Government having responsibilities in the field of intelligence, which disclosure has been made a matter of record in the files of such agency, and concerning whom a written determination has been made by the Attorney General or the Director of Central Intelligence that registration would not be in the interest of national security;

(d) whose knowledge of, or receipt of instruction or assignment in, the espionage, counterespionage, or sabotage service or tactics of a government of a foreign country or of a foreign political party, is a matter of record in the files of an agency of the United States Government having responsibilities in the field of intelligence and concerning whom a written determination is made by the Attorney General or the Director of Central Intelligence, based on all information available, that registration would not be in the interest of national security;

(e) who is a duly accredited diplomatic or consular officer of a foreign government, who is so recognized by the Department of State, while he is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such officer, and any member of his immediate family who resides with him;

(f) who is an official of a foreign government recognized by the United States, whose name and status and the character of whose duties as such official are of record in the Department of State, and while he is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such official, and any member of his immediate family who resides with him;

(g) who is a member of the staff of or employed by a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, and whose name and status and the character of whose duties as such member or employee are a matter of record in the Department of State, while he is engaged exclusively in the performance of activities recognized by the Department of State as being within the scope of the functions of such member or employee;

(h) Who is an officially acknowledged and sponsored representative of a foreign government and is in the United States on an official mission for the purpose of conferring or otherwise cooperating with United States intelligence or security personnel;

(i) who is a civilian or one of the military personnel of a foreign armed service coming to the United States pursuant to arrangements made under a mutual defense treaty or agreement, or who has been invited to the United States at the request of an agency of the United States Government; or

(j) who is a person designated by a foreign government to serve as its representative in or to an international organization in which the United States participates or is an officer or employee of such an organization or who is a member of the immediate family of, and resides with, such a representative, officer, or employee.

SEC. 4. The Attorney General shall retain in permanent form one copy of all registration statements filed under this Act. They shall be public records and open to public examination at such reasonable hours and under such regulations as the Attorney General prescribes, except that the Attorney General, having due regard for the national security and public interest, may withdraw any registration statement from public examination.

SEC. 5. The Attorney General may at any time, make, prescribe, amend, and rescind such rules, regulations, and forms as he deems necessary to carry out the provisions of this Act.

SEC. 6. (a) Whoever willfully violates any provision of this Act or any regulation thereunder, or in any registration statement willfully make a false statement of a material fact or willfully omits any material fact, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

(b) Any alien convicted of a violation of this Act or any regulation thereunder is subject to deportation in the manner provided by chapter 5, title II, of the Immigration and Nationality Act (66 Stat. 163).

SEC. 7. Failure to file a registration statement as required by this Act is a continuing offense for as long as such failure exists, notwithstanding any statute of limitation or other statute to the contrary.

SEC. 8. Compliance with the registration provisions of this Act does not relieve any person from compliance with any other applicable registration statute.

SEC. 9. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, is not affected thereby.

Approved August 1, 1956.

APPENDIX TO PART II

[H. R. 9937, 85th Cong., 2d Sess.]

A BILL To amend the Internal Security Act of 1950, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Internal Security Amendments Act of 1958".

SEC. 2. The Internal Security Act of 1950 is amended by adding at the end thereof the following:

"TITLE III—GENERAL

"ABATEMENT OF PROCEEDINGS BEFORE SUBVERSIVE ACTIVITIES CONTROL BOARD

"SEC. 301. Title I of the Internal Security Act of 1950 (50 U. S. C., sec. 781 and following) is amended by inserting after section 13A thereof (50 U. S. C., sec. 792a) the following new section:

"'PROCEEDINGS BEFORE BOARD NOT TO ABATE'

"'SEC. 13B. The dissolution or reorganization of an organization shall not prevent the institution of any proceedings under section 13 or 13A, nor shall it prevent a final determination in any proceedings under either such section.'

"MISBEHAVIOR BEFORE CONGRESSIONAL COMMITTEES

"SEC. 302. (a) Section 102 of the Revised Statutes of the United States (2 U. S. C., sec. 192) is amended by inserting after 'refuses to answer any question pertinent to the question under inquiry,' the following: 'and every person who misbehaves in the presence of either House of Congress, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee of either House of Congress, or who misbehaves so near thereto as to obstruct such House or committee in the performance of its duties,'.

"(b) Section 104 of the Revised Statutes of the United States (2 U. S. C., sec. 194) is amended by striking out 'and the fact of such failure or failures is reported to either House while Congress is in session, or when Congress is not in session, a statement of fact constituting such failure' and inserting in lieu thereof the following: 'and whenever any person misbehaves in the presence of either House of Congress, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee or subcommittee of either House of Congress, or misbehaves so near thereto as to obstruct such House, committee, or subcommittee in the performance of its duties, and the fact of such failure or failures or such misbehavior is reported to either House while Congress is in session, or when Congress is not in session, a statement of fact concerning such failure or failures or such misbehavior'.

"APPEARANCE OF CERTAIN PERSONS AS COUNSEL

"SEC. 303. (a) Chapter 115 of title 18 of the United States Code (relating to treason, sedition, and subversive activities) is amended by adding at the end thereof the following new section:

"'§ 2392. Appearance as counsel before executive departments or congressional committees

"'(a) No person shall appear as counsel in any hearing, interview, investigation, or other proceeding before any agency in the executive branch of the Federal Government, before any committee of either House of Congress or any joint committee from the two Houses of Congress, or before any subcommittee of any

such committee, who is or has been, within a period of five years next preceding the date of such appearance, a member of the Communist Party or of any other society, organization, group, or assembly of persons who advise, abet, teach, advocate, or urge the forcible overthrow or destruction of the Government of the United States or the government of any State, Territory, District, Commonwealth, or possession thereof, or the government of any political subdivision therein, or the assassination of any officer of any such government.

"'(b) No person shall appear as counsel, in any proceeding described in subsection (a), who has been identified under oath in public testimony before (1) any court of record of the United States or of any State, Territory, District, or possession thereof, (2) any agency in the executive branch of the Federal Government, or (3) any committee of either House of Congress or any joint committee from the two Houses of Congress, or any subcommittee of any such committee, as a member of the Communist Party or of any other society, organization, group, or assembly described in subsection (a), unless he has sworn, either orally or by affidavit to or before such agency, committee, or subcommittee that he is not and has not been, for the period of five years next preceding the date of such oath, a member of the Communist Party or of any other society, organization, group, or assembly described in subsection (a).

"'(c) Whoever violates or attempts to violate this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.'

"(b) The table of contents of chapter 115 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"'2302. Appearance as counsel before executive departments or congressional committees.'

"DEFINITION OF TERM 'ORGANIZE'

"SEC. 304. Section 2385 of title 18 of the United States Code (relating to advocating overthrow of Government) is amended by adding at the end thereof the following new paragraph:

"'As used in this section, the term "organize," with respect to any society, group, or assembly of persons, includes encouraging recruitment or the recruiting of new or additional members, and the forming, regrouping, or expansion of new or existing units, clubs, classes, or sections of such society, group, or assembly of persons.'

"ENFORCEMENT OF STATE STATUTES

"SEC. 305. (a) Chapter 115 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"'§ 2393. Enforcement of State statutes

"'Except to the extent specifically provided by any law of the United States hereafter enacted, nothing in any law of the United States heretofore or hereafter enacted shall prevent the enforcement in the courts of any State of any statute of such State prescribing any criminal penalty for any act or failure to act (or any attempt or conspiracy related thereto), if such act is in any way related to—

"'(1) espionage, sabotage, subversion, or sedition against such State or the United States;

"'(2) treason against such State;

"'(3) the overthrow of the government of such State or of the Government of the United States;

"'(4) organizing, having affiliations with, or becoming or remaining a member of, any Communist organization or other subversive organization; or

"'(5) Communist activities or other subversive activities.

"'As used in this section, the term "State" includes any State of the United States, Alaska, Hawaii, Guam, the Virgin Islands, and the Commonwealth of Puerto Rico.'

"(b) The table of contents of chapter 115 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"'2393. Enforcement of State statutes.'

"PRODUCTION OF FEDERAL RECORDS, ETC.

"SEC. 307. (a) Section 1733 of title 28 of the United States Code (relating to Government records and papers as evidence) is amended by adding at the end thereof the following new subsections:

"'(c) In any court of the United States and in any court established by Act of Congress, any reports, statements, books, records, papers, or documents of any department or agency of the United States which, in the opinion of the Attorney General, contain information of a confidential nature, the disclosure of which the Attorney General in the exercise of his discretion, concludes would be prejudicial to the public interest, safety, or security of the United States shall not be produced, disclosed, or admissible in evidence, any rule of court or procedure to the contrary notwithstanding, in any civil or criminal proceeding brought by the United States or to which the United States is a party, over the objection of the Attorney General, unless—

"'(1) such reports, statements, books, records, papers, or documents have been produced in open court and have been used or relied upon by a witness for the purpose of establishing a record of his past recollection of any events being testified to; or

"'(2) such reports, statements, books, records, papers, or documents have been or are produced in open court and are being used or relied upon by a witness for the purpose of refreshing his present recollection of any events being testified to.

"'(d) Whenever, in any civil or criminal proceeding brought by the United States or to which the United States is a party, in any court of the United States or in any court established by Act of Congress, demand is made for the production of any reports, statements, books, records, papers, or documents of any department or agency of the United States which have been used or relied upon by a witness in the trial for the purpose of refreshing the witness' recollection, or as a record of his past recollection, such reports statements, books, records, papers, or documents shall not be produced, disclosed, or admitted in evidence over the objection of the Attorney General, any rule of court or procedure to the contrary notwithstanding, unless the trial court, in its discretion and upon personal inspection thereof in camera without disclosure to any party or counsel, determines which portions, if any, of such reports, statements, books, records, papers, or documents are relevant to the matter as to which the witness has testified and should be produced in the interest of justice and for the protection of the constitutional rights of the party affected thereby. The court shall excise from such reports, statements, books, records, papers, or documents to be delivered to the party affected thereby any portions thereof which the court has determined do not relate to the subject matter as to which the witness has testified.

"'(e) In the event that the United States elects not to comply with an order of the court under subsection (d) to produce any reports, statements, books, records, papers, or documents, or to deliver to the party affected thereby, such reports, statements, books, records, papers, or documents, or portion thereof, as the court may direct, the court shall strike from the record the testimony of the witness and the trial shall proceed, unless the court in its discretion shall determine that the interests of justice require that a mistrial be declared.'

"(b) The Act of September 2, 1957, entitled 'An Act To amend chapter 223, title 18, United States Code, to provide for the production of statements and reports of witnesses' (Public Law 85–269), is hereby repealed.

"DISCLOSURE OF INFORMATION OBTAINED FROM CERTAIN INTERCEPTED COMMUNICATIONS

"SEC. 307. (a) Chapter 93 of title 18 of the United States Code (relating to public officers and employees) is amended by adding at the end thereof the following new section:

"'§ 1916. Disclosure of information obtained through the interception of certain communications

"'(a) In the conduct of any investigation to detect or prevent any offense against the security of the United States, any security investigative agency may, upon express written authorization given by the Attorney General to the head of such agency, intercept any wire or radio communication if that interception is specifically described as to place and time in the authorization so given. As soon as may be practicable after the end of each period of six calendar months, the Attorney General shall transmit to the National Security Council a report which shall state the number of interceptions authorized by him to be made under this subsection by each security investigative agency during that period, and the nature of the offense with respect to which each such authorization was given.

"'(b) Information obtained by an officer or agent of a security investigative agency in any investigation through any interception so authorized may be disclosed (1) to the head of the security investigative agency making the investigation and to any officer, agent, or employee of such agency conducting or supervising the investigation, (2) by the head of such investigative agency to the President, the National Security Council, the head of any department or agency in the executive branch, or the head of any other security investigative agency, (3) by any officer or agent of a security investigative agency in giving testimony in any criminal proceeding before any court, grand jury, or court-martial of the United States for the prosecution of an offense against the security of the United States, and (4) to any attorney for the United States who is duly authorized to engage in or supervise the prosecution of that offense. In any such proceeding, evidence obtained through any interception so authorized, if otherwise admissible, shall not be excluded because of the means by which it was obtained.

"'(c) Whoever, having acquired as an officer, employee, or member of any department, agency, or armed force of the United States knowledge of any information obtained through any interception authorized pursuant to subsection (a), willfully makes any disclosure of any part of that information which is not authorized by subsection (b) shall be fined not more than $5,000, or imprisoned not more than one year and one day, or both.

"'(d) As used in this section—

"'(1) the term "security investigative agency" means the Federal Bureau of Investigation and the investigative agencies of the Armed Forces supervised by the Assistant Chief of Staff, G–2, Department of the Army; the Director of Intelligence, Department of the Navy; and the Director of Intelligence, Department of the Air Force;

"'(2) the term "offense against the security of the United States" means any offense punishable under chapter 37, 105, or 115 of this title; section 4 or section 15 of the Subversive Activities Control Act of 1950; or section 222, 224, 225, 226, or 227 of the Atomic Energy Act of 1954; and any attempt or conspiracy to commit any such offense; and

"'(3) the terms "wire communication" and "radio communication" have the same meaning as when used in the Communications Act of 1934.'

"(b) The table of contents of chapter 93 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"'1916. Disclosure of information obtained through the interception of certain communications.'

"(c) The proviso contained in section 605 of the Communications Act of 1934 (47 U. S. C., sec. 605) is amended to read as follows: '*Provided*, That this section shall not apply to (1) the interception, receiving, divulging, publishing, or utilizing the contents of any radio communication broadcast, or transmitted by amateurs or others for the use of the general public, or relating to ships in distress, (2) any wire communication or radio communication intercepted by a security investigative agency pursuant to authorization granted in accordance with section 1916 (a) of title 18 of the United States Code, and (3) any assistance given by any person in the interception of any wire communication or radio communication by any such agency pursuant to such authorization.'

"UNAUTHORIZED DISCLOSURE OF DEFENSE INFORMATION

"SEC. 308. (a) Chapter 37 of title 18 of the United States Code (relating to espionage and censorship) is amended by adding at the end thereof the following new section:

"'§ 800. Unauthorized disclosure of certain information affecting national defense

"'(a) Whenever any information is classified, in conformity with the provisions of any Executive order promulgated by the President, as "top secret", "atomic top secret", "secret", or "atomic secret", it is unlawful for any person who has obtained such information to communicate any part thereof to any person who is not authorized by law, Executive order, or regulations promulgated pursuant to law or any Executive order, to receive such information. No communication of any such information made by any officer, employee, or member of any department, agency, or armed force of the United States, or any officer or employee of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, pursuant to authorization granted by the head of such department, agency, armed force or corporation,

to any Member of the Congress, any joint committee of the Congress, any committee or subcommittee of the Senate or the House of Representatives, or any member of the staff of any such committee or subcommittee, shall be unlawful under this section; and no communication of any such information made by any Member of Congress, by any such committee or subcommittee, or by any member of the staff of any such committee or subcommittee to a Member of Congress, to such a committee or subcommittee, or to a member of the staff of any such committee or subcommittee, shall be unlawful under this section.

" '(b) Whoever, having obtained in any manner or by any means any information so classified, willfully communicates any part of such information in any manner or by any means to any person not authorized as prescribed by subsection (a) to receive such information, with knowledge or reason to believe that such information is so classified and that such person is not so authorized to receive such information, shall be fined not more than $10,000 or imprisoned not more than twenty years, or both.

" '(c) For the purposes of this section, the terms "top secret", "atomic top secret", "secret", and "atomic secret" mean any information affecting the national defense of the United States in such degree that its unauthorized disclosure could result in serious damage to the Nation.'

"(b) The table of contents of such chapter is amended by adding at the end thereof the following new item:

" '800. Unauthorized disclosure of certain information affecting national defense.'

"USE OF FALSE NAME FOR CERTAIN PURPOSES

"SEC. 309. Section 1107 of the Social Security Act (42 U. S. C., sec. 1307) is amended by adding at the end thereof the following new subsection:

" '(c) (1) Whoever, for the purpose of applying for a social security account number card, or for any other document, paper, privilege, or benefit under this Act, or for the purpose of procuring, obtaining, or retaining employment by, in, or upon any defense facility, war utilities, national-defense premises, or national-defense utilities—

" '(A) personates another, or falsely appears in the name of a deceased individual, or uses or appears under an assumed or fictitious name, without disclosing his true identity, or

" '(B) exhibits to his employer or prospective employer a social security account number card bearing a false, assumed, or fictitious name, without disclosing his true identity,

shall be fined not more than $1,000 or imprisoned not more than one year, or both.

" '(2) For the purposes of this subsection—

" '(A) The term "defense facility" has the meaning given to such term by paragraph (7) of section 3 of the Internal Security Act of 1950; and

" '(B) The terms "war utilities", "national-defense premises", and "national-defense utilities" have the respective meanings given to such terms by section 2151 of title 18 of the United States Code.'

"LIMITATION OF ACTIONS

"SEC. 310. (a) Chapter 213 of title 18 of the United States Code (relating to limitations on actions) is amended by adding at the end thereof the following new section:

" '§ 3292. Treason, espionage, sabotage, sedition, and subversive activities

" 'No person shall be prosecuted, tried, or punished for—

" '(1) any offense described in chapter 37 (relating to espionage and censorship), chapter 105 (relating to sabotage), or chapter 115 (relating to treason, sedition, and subversive activities), other than any such offense punishable by death; or

" '(2) any offense under section 371 (relating to conspiracies) which involves a conspiracy to commit any offense described in chapter 37, chapter 105, or chapter 115,

unless the indictment is found or the information is instituted within fifteen years next after the offense shall have been committed.'

"(b) The table of contents of chapter 213 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

" '3292. Treason, espionage, sabotage, sedition, and subversive activities.'

"(c) Section 4 (c) of the Subversive Activities Control Act of 1950 is amended by striking out 'ten' both times it appears therein and inserting in lieu thereof 'fifteen'.

"(d) The amendments made by this section shall be effective with respect to offenses (1) committed on or after the date of enactment of the Internal Security Amendments Act of 1958, or (2) committed before such date, if on such date prosecution therefor is not barred by provisions of law in effect before such date.

"AMENDMENTS OF FOREIGN AGENTS REGISTRATION ACT

"SEC. 311. (a) Section 1 (b) of the Foreign Agents Registration Act of 1938 (22 U. S. C., sec. 611 (b)) is amended by adding at the end thereof the following new clause:

"'(6) a domestic partnership, association, corporation, organization, or other combination of individuals, supervised, directed, controlled, or financed, in whole or in part, by a government of a foreign country or a foreign political party;'.

"(b) Section 3 (d) of such Act (22 U. S. C., sec. 613 (d)) is amended to read as follows:

"'(d) Any person engaging or agreeing to engage only in private and non-political financial or mercantile activities in furtherance of the bona fide trade or commerce of such foreign principal or in the soliciting and collecting of funds and contributions within the United States to be used only for medical aid and assistance, or for food and clothing to relieve human suffering, if such solicitation or collection of funds and contributions is in accordance with and subject to the Neutrality Act of 1939 (22 U. S. C., sec. 441 and following), and such rules and regulations as may be prescribed thereunder.'.

"(c) Section 4 (a) of such Act (22 U. S. C., sec. 614 (a)) is amended to read as follows:

"'(a) Every person within the United States who is an agent of a foreign principal and required to register under the provisions of this Act who imports or causes to be imported, or who transmits or causes to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce, any political propaganda shall, not later than forty-eight hours after the beginning of the importation or transmittal thereof, send to the Librarian of Congress two copies thereof and file with the Attorney General one copy thereof and a statement, duly signed by or on behalf of such agent, setting forth full information as to the places, times, and extent of such importation or transmittal.'

"(d) Section 4 (b) of such Act is amended to read as follows:

"'(b) It shall be unlawful for any person within the United States who is an agent of a foreign principal and required to register under the provisions of this Act to import or cause to be imported, or to transmit or cause to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce, any political propaganda unless such political propaganda is conspicuously marked at its beginning with, or prefaced or accompanied by, a true and accurate statement, in the language or languages used in such political propaganda, setting forth that the person importing or transmitting such political propaganda or causing it to be imported or transmitted is registered under this Act with the Department of Justice, Washington, District of Columbia, as an agent of a foreign principal, together with the name and address of such agent of a foreign principal and of each of his foreign principals; that, as required by this Act, his registration statement is available for inspection at and copies of such political propaganda are being filed with the Department of Justice; and that registration of agents of foreign principals required by the Act does not indicate approval by the United States Government of the contents of their political propaganda. The Attorney General, having due regard for the national security and the public interest, may by regulation prescribe the language or languages and the manner and form in which such statement shall be made and require the inclusion of such other information contained in the registration statement identifying such agent of a foreign principal and such political propaganda and its sources as may be appropriate.'

"(e) Section 4 of such Act is amended by adding at the end thereof the following new subsection:

"'(e) Any person not within the United States who uses the United States mails or any means or instrumentality of interstate or foreign commerce within the United States to circulate or disseminate any political propaganda shall be regarded, for the purposes of this Act, as an agent of a foreign principal who is

acting within the United States. This subsection shall have no application to any such person outside the United States when his use of the United States mails or a means or instrumentality of interstate or foreign commerce within the United States is confined to the transmittal of political propaganda to a person registered under the terms of this Act.'

"COMPTROLLER OF FOREIGN PROPAGANDA

"SEC. 312. There is hereby established, in the Bureau of Customs of the Department of the Treasury, the Office of the Comptroller of Foreign Propaganda, to be located at the seat of the Government in Washington, District of Columbia. Such Office shall be headed by a Director, who shall be appointed by the Secretary of the Treasury and who shall have rank and compensation equal to that of the Deputy Commissioner of the Bureau of Customs. The Director shall be a citizen of the United States, qualified by at least five years experience in the import control of political propaganda, and shall maintain close liaison with the appropriate committee of Congress in order that they may be advised regarding the control of Communist and other foreign propaganda brought to, and sought to be disseminated in, the United States. He shall perform those functions with respect to the control of Communist and other foreign propaganda which are vested in the Secretary of the Treasury, to the extent that the performance of such functions may be delegated to him by the Secretary, and he shall perform such other functions as the Secretary may prescribe.

"TITLE IV—IMMIGRATION AND PASSPORT SECURITY

"SHORT TITLE

"SEC. 401. This title may be cited as the 'Immigration and Passport Security Act'.

"CHAPTER 1—IMMIGRATION SECURITY

"DETAIL OF IMMIGRATION OFFICERS TO PERFORM CERTAIN DUTIES IN FOREIGN STATES INCIDENT TO ISSUANCE OF VISAS

"SEC. 402. (a) Section 103 (a) of the Immigration and Nationality Act (8 U. S. C., sec. 1103 (a)) is amended by striking out the last sentence and by inserting in lieu thereof the following: 'He may, whenever in his judgment such action may be necessary to accomplish the purposes of this Act, establish offices of the Service in foreign states and detail immigration officers for duty in foreign states. Immigration officers so detailed shall exercise the functions described in section 221 (g) with respect to the issuance of visas and other documentation, and perform such additional duties as the Attorney General may prescribe.'

"(b) Section 221 (g) of the Immigration and Nationality Act (8 U. S. C., sec. 1201 (g)) is amended—

"(1) by inserting immediately after '(1) it appears to the consular officer,' the following: 'or to the immigration officer detailed for duty in the same foreign state under section 103 (a),'; and

"(2) by inserting immediately after '(3) the consular officer' the following: 'or such immigration officer'.

"(c) This section shall take effect on the first day of the sixth month beginning after the date of enactment of this title.

"DENIAL OF ADMISSION TO NATIONALS, CITIZENS, SUBJECTS, AND RESIDENTS OF FOREIGN STATES REFUSING TO ACCEPT DEPORTEES

"SEC. 403. Section 243 (g) of the Immigration and Nationality Act (8 U. S. C., sec. 1253 (g)) is amended to read as follows:

" '(g) During any period in which any foreign state declines to accept for admission or return any alien who is a national, citizen, subject, or resident of that state and who is under final order of deportation from the United States, or unduly delays such acceptance, no immigrant or nonimmigrant visa (other than a diplomatic visa, or a visa issued to a duly designated representative of a foreign state in any international organization, as defined in subparagraphs (A), (C), and (G) of paragraph (15) of section 101 (a)) may be issued to, and no immediate and continuous transit may be authorized as provided in section 238 (d) for, any national, citizen, subject, or resident of that state.'

"DETENTION AND SUPERVISION OF DEPORTEES; WITHHOLDING OF DEPORTATION

"SEC. 404. (a) Section 242 (c) of the Immigration and Nationality Act (8 U. S. C., sec. 1252 (c)) is amended by inserting, immediately after the third sentence thereof, the following new sentence: 'Whenever any such alien has violated any requirement or restraint imposed upon him under the third sentence of subsection (d), as amended by subsection (b) of this section, and the Attorney General determines that the national security requires the detention of that alien, such alien may be returned to custody under the order to show cause, warrant, or other document or paper by which proceedings for deportation were initiated against him, and may be detained until his deportation can be effected.'

"(b) Section 242 (d) of the Immigration and Nationality Act (8 U. S. C., sec. 1252 (d)) is further amended by inserting, immediately after the first sentence, the following new sentence: 'The purpose of supervision and regulations under this subsection shall be (1) to insure the continued availability for departure of such alien; (2) to aid the Attorney General in carrying out his authority under the provisions of this Act to take and consider evidence concerning the privilege of any person, in addition to such deportable alien, to enter, reenter, pass through, or reside in the United States, or concerning any matter which is material or relevant to the enforcement of this Act and the administration of the Service; and (3) to aid the Attorney General in ascertaining whether the alien or any other person is or has engaged in conduct or activities which constitute a violation of any penal statute of the United States, or which are dangerous to the public safety or security of the United States.'

"(c) Section 243 (h) of the Immigration and Nationality Act (8 U. S. C., sec. 1253 (h)) is amended by inserting, immediately after the word 'deportation', the following: ', ordered and directed pursuant to sections 241, 242, and 243 of this Act,'.

"REPORTS ON CERTAIN WAIVERS

"SEC. 405. Section 212 of the Immigration and Nationality Act (8 U. S. C., sec. 1182) is amended by adding at the end thereof the following new subsection:

" '(f) In January of each year the Attorney General shall transmit to the Congress a report which shall (1) state the number of waivers which have been granted during the preceding calendar year under paragraph (4) of subsection (d), and (2) describe the circumstances under which each such waiver was granted. No such report shall include any intelligence or information the public disclosure of which would, in the opinion of the Attorney General, adversely affect the national security.'

"CENTRAL INDEX OF ALIENS

"SEC. 406. Section 290 (a) of the Immigration and Nationality Act (8 U. S. C., sec. 1360 (a)) is amended by adding at the end thereof the following new sentence: 'There shall not be included in such index the names of aliens lawfully entering, or who have lawfully entered, the United States pursuant to any provision of law permitting their entry without the issuance of visas or other travel documents (other than border crossing identification cards).'

"REVOCATION OF NATURALIZATION

"SEC. 407. (a) Section 340 (a) of the Immigration and Nationality Act (8 U. S. C., sec. 1451 (a)) is amended to read as follows:

" '(a) It shall be the duty of the United States attorneys for the respective districts, either upon their own initiative or upon being furnished with an affidavit showing good cause therefor, to institute proceedings in any court specified in subsection (a) of section 310 of this title in the judicial district in which the naturalized citizen may reside at the time of bringing suit, for the purpose of revoking and setting aside the order admitting such person to citizenship and canceling the certificate of naturalization on the ground that such order and certificate of naturalization were illegally procured or were procured by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively: *Provided*, That refusal on the part of a naturalized citizen within a period of ten years following his naturalization to testify as a witness in any proceeding before a congressional committee concerning his sub-

versive activities, in a case where such person has been convicted of contempt for such refusal, shall be held to constitute a ground for revocation of such person's naturalization under this subsection as having been procured by concealment of a material fact or by willful misrepresentation. If the naturalized citizen does not reside in any judicial district in the United States at the time of bringing such suit, the proceedings may be instituted in the United States District Court for the District of Columbia or in the United States district court in the judicial district in which such person last had his residence. An affidavit of good cause under this subsection may be based upon information and belief, and it shall not be necessary for the institution or maintenance of a suit thereunder that such affidavit be made a part of the proceeding in the court, but the complaint in any such proceeding shall be sworn to by the United States attorney filing it. Any such complaint filed before the date of the enactment of this sentence, whether under the provisions of section 338 of the Nationality Act of 1940 or under the provisions of this section, without such affidavit or verification by the United States attorney is hereby validated and shall not be deemed deficient solely by reason of the absence or insufficiency of such affidavit or verification.

"(b) Section 340 (b) of the Immigration and Nationality Act (8 U. S. C., sec. 1451 (b)) is amended by inserting 'illegally procured or' immediately preceding the word 'procured'.

"LOSS OF NATIONALITY BY NATIVE-BORN OR NATURALIZED CITIZEN

"SEC. 408. (a) Section 349 (a) of the Immigration and Nationality Act (U. S. C., sec. 1481 (a)) is amended by striking out the period at the end of paragraph (10) and inserting in lieu thereof '; or'.

"(b) Section 349 of the Immigration and Nationality Act is further amended by adding at the end thereof the following new paragraph:

"'(11) accepting, serving in, or performing the duties of any office, post, or employment under any foreign state or any political or geographical subdivision of any foreign state, whether or not recognized by the United States, which is Communist-dominated, Communist-occupied, or Communist-controlled (as determined by the Secretary of State). The application of the provisions of this paragraph to any person shall not constitute recognition by the United States of the acquisition of territory (or control over territory) by one foreign state from another or the transfer of territory from one foreign state to another, or recognition of a government not recognized by the United States. This paragraph shall not apply to a person who, prior to such acceptance, service, or performance, has received specific authorization therefor in writing by the head of any department or independent office, agency, or establishment of the United States.'

"CHAPTER 2—PASSPORT SECURITY

"TRAVEL CONTROL

"SEC. 409. (a) (1) Section 215 of the Immigration and Nationality Act (8 U. S. C., sec. 1185) is amended by striking out—

"(A) in subsection (a) the words 'the United States is at war or during the existence of any national emergency proclaimed by the President, or, as to aliens, whenever there exists a state of war between or among two or more states, and'; and

"(B) in the section caption, the words 'IN TIME OF WAR OR NATIONAL EMERGENCY'.

"(2) The table of contents for the Immigration and Nationality Act, immediately following the first section of such Act, is amended by striking out

'Sec. 215. Travel control of aliens and citizens in time of war or national emergency.'

and inserting in lieu thereof

'Sec. 215. Travel control of aliens and citizens.'

"(b) Section 215 (b) of the Immigration and Nationality Act (8 U. S. C., sec. 1185 (b)) is amended to read as follows:

"'(b) After any proclamation has been made and published as provided for in subsection (a), and while such proclamation is in force, it shall, except as otherwise provided by the President, and subject to such limitations and exceptions

as the President may authorize and prescribe, be unlawful for any citizen of the United States to—

"'(1) depart from or enter, or attempt to depart from or enter, the United States unless he bears a valid passport;

"'(2) travel to any country in which his passport is declared to be invalid; or

"'(3) refuse to surrender upon demand by the Secretary of State or his representative any passport issued to him which has been lawfully revoked.'

"(c) Section 215 (c) of the Immigration and Nationality Act (8 U. S. C., sec. 1185 (c)) is redesignated as subsection (f) and is amended by adding at the end thereof the following new sentence: 'No vehicle, vessel, or aircraft, by or upon which there is reasonable cause to believe that a breach or violation of this section is being or has been committed, shall be permitted to depart from any port of the United States pending the determination of liability to forfeiture of such vehicle, vessel, or aircraft.'

"(d) Subsections (d), (e), (f), and (g) of section 215 of the Immigration and Nationality Act (8 U. S. C., sec. 1185 (d), (e), (f), and (g)) are redesignated as subsections (g), (h), (i), and (j), respectively.

"(e) Section 215 of the Immigration and Nationality Act is further amended by inserting, immediately after subsection (b) thereof, the following new subsections:

"'(c) If there is in effect any requirement, prescribed or authorized by law, for the procurement of a passport for any travel, no application made by any individual for the issuance of such passport may be granted, and each passport previously issued shall be revoked, unless the issuance or use of such passport is authorized under subsection (e), whenever there is reasonable ground to believe that the applicant, or holder of a previously issued passport, is going abroad or traveling abroad for the purpose of engaging in activities which will further the aims and objectives of any party, group, or association which has been found by law or by concurrent resolution of the Congress of the United States, or by the Secretary of State, the Attorney General, or any other agency or officer of the United States duly authorized by the Congress for that purpose—

"'(1) to seek to alter the form of government of the United States by force or violence, or other unconstitutional means; or

"'(2) to have been organized or utilized for the purpose of advancing the aims or objectives of the Communist movement; or

"'(3) to have been organized or utilized for the purpose of establishing any form of dictatorship in the United States or any form of international dictatorship; or

"'(4) to have been organized or utilized by any foreign state, or by any foreign party, group or association acting in the interest of any foreign state, for the purpose of (A) espionage, or (B) sabotage, or (C) obtaining information relating to the defense of the United States to the detriment of the national security or (D) hampering, hindering, or delaying the production of defense materials; or

"'(5) to be affiliated with, or to act in concert with, or to be dominated or controlled by, any party, group, or association of the character described in paragraph (1), (2), (3), or (4).

Nothing in this subsection shall be construed to alter or limit the authority of the Secretary of State to deny any application for the issuance of a passport, or to revoke a previously issued passport, on any ground other than the ground described in this subsection.

"'(d) In determining, for the purposes of subsection (c), whether there is reasonable ground for belief that any individual is going abroad or traveling abroad for the purpose described in such subsection, consideration may be given to activities and associations of that individual in one or more of the following categories:

"'(1) membership in any party, group, or association described in subsection (c); or

"'(2) prior membership in any party, group, or association described in subsection (c), if the termination of such membership was under circumstances warranting the conclusion that the applicant continues to act in furtherance of the interests of such party, group, or association; or

"'(3) present or past activities which further the aims and objectives of any such party, group, or association, under circumstances warranting the conclusion that he engages or has been engaged in such activities as a result of direction, domination, or control exercised over him by such party, group,

or association, or otherwise continues to act in furtherance of the interests of such party, group, or association; or

"'(4) activities continued consistently over a prolonged period of time which indicate that he has adhered to the doctrine of any such party, group, or association, as such doctrine is expressed in the actions and writings of such party, group, or association on a variety of issues, including shifts and changes in the doctrinal line of such party, group, or association; or

"'(5) any other conduct which tends to support the belief that the applicant is going abroad or traveling abroad for such purpose.

"'(c) A passport may be issued to or held by any individual, notwithstanding the provisions of subsection (c), whenever personally directed by the Secretary of State for reasons deemed by him to be strictly in the public interest.'

"REGISTRATION OF CERTAIN BIRTHS AT CONSULAR OFFICES

"SEC. 410. Section 301 of the Immigration and Nationality Act (8 U. S. C., sec. 1401) is amended by adding at the end thereof the following new subsection:

"'(d). Whenever any person is born outside of the United States and its outlying possessions, and under subsection (a) such person is a citizen of the United States at birth, the birth of that person shall be registered with a consular officer in the country in which that person was born within such time and under such regulations as shall be prescribed by the Secretary of State. If such registration is not made within the time so prescribed, it shall be presumed in the absence of proof to the contrary, for the purposes of any proceeding arising under or involving any right established by this Act, that such person is not a citizen of the United States by birth. This subsection shall apply only with respect to births occurring on or after the day six months after the date of its enactment.'

"EFFECT ON SUBVERSIVE ACTIVITIES CONTROL ACT

"SEC. 411. Nothing in any amendment made by this chapter shall be construed to alter or amend any provision of the Subversive Activities Control Act of 1950.

"RESTRICTIONS ON ISSUANCE AND USE OF PASSPORTS

"SEC. 412. The first section of the Passport Act of July 3, 1926 (22 U. S. C., sec. 211a), is amended by inserting '(a)' after 'That' and by adding at the end thereof the following subsections:

"'(b) In the exercise of his authority under subsection (a) of this section the President may confer upon and delegate to the Secretary of State the power and authority to prescribe rules and regulations relating to the issuance, refusal, extension, renewal, restriction, limitations, revocation, withdrawal, and cancellation of passports.

"'(c) The Secretary of State may, in his discretion, refuse to issue, renew, or extend the passport of, or limit, restrict, withdraw, cancel, or revoke a passport of, any person, whenever it appears to his satisfaction that such person's activities abroad would—

"'(1) violate the laws of the United States;

"'(2) be prejudicial to the orderly conduct of foreign relations; or

"'(3) otherwise be prejudicial to the interests of the United States.

"'(d) After an order has been issued under subsection (c) of this section with respect to the passport of any person, it shall be unlawful for such person to—

"'(1) depart from, or attempt to depart from, the United States unless he bears a valid passport;

"'(2) travel to any country in which his passport is declared to be invalid; or

"'(3) refuse to surrender upon demand by the Secretary of State or his representative any passport issued to him which has been lawfully revoked.'

Any person convicted of a violation of this subsection shall be punished by a fine not to exceed $2,000 or by imprisonment for a term not exceeding five years, or both.

"CHAPTER 3—PASSPORT REVIEW PROCEDURE

ADMINISTRATIVE PROCEDURE ACT AMENDMENT

"SEC. 413. The Administrative Procedure Act (5 U. S. C., secs. 1001–1011) is amended by adding at the end thereof the following new section:

"'PASSPORT REVIEW PROCEDURE

"'SEC. 13. (a) DEFINITION.—As used in this section—

"'(1) The term "applicant" means a citizen or national of the United States who has made application for the issuance, renewal, or extension of a passport in accordance with the applicable provisions of law and regulations prescribed thereunder.

"'(2) The term "special review officer" means any officer of the Department of State, or any other officer of the United States, whom the Secretary of State deems specifically qualified to conduct proceedings prescribed by this section and who is selected and designated by the Secretary of State, individually or by regulation, to conduct such proceedings. Such special review officer shall be subject to such supervision and shall perform such duties, not inconsistent with this section, as the Secretary of State shall prescribe.

"'(b) MOTION FOR REVIEW.—Any applicant who has been refused a passport or the renewal or extension thereof, has had a passport withdrawn, canceled or revoked, or has had a passport restricted or limited, except in a manner applicable to all applicants of a given class (as defined by the Secretary of State), and who has complied with all regulations promulgated by the Secretary of State pursuant to this or any other Act, may within six months after notification of such action by the Secretary of State submit to the Secretary of State a motion in writing for a review before a special review officer, and any such applicant shall be advised of his right to make such motion. Any motion to review action taken pursuant to section 6 of the Subversive Activities Control Act of 1950 (50 U. S. C., sec. 785) shall contain a statement under oath by the applicant as to whether he is or has ever been a member of the Communist Party, or of any other party, group, or association described in paragraph (1), (2), (3), or (4) of section 215 (c) of the Immigration and Nationality Act.

"'(c) AUTHORITY OF SPECIAL REVIEW OFFICER.—A motion for a review made under subsection (b) of this section shall be referred to a special review officer. In any case in which the Secretary of State believes that such procedure would be of aid in making a determination, he may direct specifically or by regulation that an additional officer of the Department of State or of the United States shall be assigned to present the evidence on behalf of the Government and in such case such additional officer shall have authority to present evidence, and to interrogate, examine, and cross-examine the applicant and the witnesses. Nothing in the preceding sentence shall be construed to diminish the authority conferred upon the special review officer conducting proceedings under this section.

"'(d) PROCEDURE.—A special review officer shall conduct proceedings under this section for the purpose of submitting to the Secretary of State a recommendation as to what action should be taken. In proceedings conducted under this section all testimony shall be given under oath or affirmation. The special review officer may administer oaths, present and receive evidence, interrogate, examine, and cross-examine the applicant and witnesses. The special review officer shall communicate his recommendation to the Secretary of State, who may approve, or reject, in whole or in part, such recommendation, reopen the proceedings, or make his own determination in lieu of the recommendation of the special review officer. The decision of the Secretary of State shall be final. The applicant shall be notified of such decision by the Secretary of State in writing.

"'(e) DISQUALIFICATION OF SPECIAL REVIEW OFFICER.—No special review officer shall conduct a proceeding in any case under this section in which he shall have participated in investigative functions or in which he shall have participated in the original refusal to issue, renew, or extend a passport, or in the original action of withdrawal, cancellation, revocation, limitation, or restriction of a passport.

"'(f) REGULATIONS.—Proceedings before a special review officer acting under the provisions of this section shall be in accordance with such regulations, not inconsistent with this section, as the Secretary of State shall prescribe, which regulations shall include requirements that—

"'(1) the applicant shall be given notice, reasonable under all the circumstances, of the reasons for the original action taken on his application and of the time and place at which the review proceedings will be held;

"'(2) the applicant shall have the privilege of being advised, assisted, or represented (at no expense to the Government) by counsel;

"'(3) the applicant shall have a reasonable opportunity to present all information relevant and material to the formulation of the special review officer's recommendation in his case;

"'(4) the applicant may testify in his own behalf, present witnesses, and offer other evidence. If any witness whom the applicant wishes to call is unable to appear personally, the special review officer may, in his discretion, accept an affidavit by him or order that his testimony be taken by deposition. Such deposition may be taken by any person designated by the special review officer and such designee shall be authorized to administer an oath for the purpose of the deposition;

"'(5) a complete verbatim stenographic transcript shall be made of proceedings conducted under this section by qualified reporters, and such transcript shall constitute a permanent part of the record. Upon request the applicant or his counsel shall have the right to inspect the transcript, and each witness shall have the right to inspect the transcript of his own testimony; and

"'(6) attendance at proceedings under this section shall be restricted to such officers of the Department of State as may be concerned with the case under consideration, the applicant, his counsel, the witnesses, and the official stenographers. Witnesses shall be present at the proceedings only while actually giving testimony, unless otherwise directed by the special review officer.

"'(g) Proceedings under this section shall be conducted in such manner as to protect from disclosure all information which, in the opinion of the Secretary of State or the special review officer, would affect the national security, safety, or public interest, or would tend to compromise investigative sources or investigative methods.

"'(h) USE OF GOVERNMENT FILES.—The files maintained by the Department of State and any other pertinent Government files, submitted to the special review officer in connection with proceedings under this section, shall be considered as part of the evidence in the case without testimony or a ruling as to admissibility. Such files may not be examined by the applicant.

"'(i) DISPOSITION OF CASE.—The special review officer shall insure the applicant of complete and fair consideration of his case. In making his recommendation the special review officer shall consider the entire record, including the transcript of the proceedings and any files and confidential information he may have received. The special review officer shall take into consideration the inability of the applicant to challenge information of which he has not been advised in full or in detail, or to attack the credibility of information which has not been disclosed to him. Judicial rules of evidence shall not apply in proceedings under this section except that reasonable restrictions shall be imposed by the special review officer as to the relevancy, competency, and materiality of evidence introduced in the proceedings.

"'(j) PROCEDURE TO BE EXCLUSIVE.—Notwithstanding the provisions of any other law, the procedure prescribed in this section shall be the sole and exclusive procedure for the review of the refusal to issue, renew, or extend a passport, or of the withdrawl, cancellation, restriction, limitation, or revocation of a passport.'

"SUBVERSIVE ACTIVITIES CONTROL ACT AMENDMENT

"SEC. 414. Section 6 of the Subversive Activities Control Act of 1950 (50 U. S. C., sec. 785) is amended by adding at the end thereof the following new subsection:

"'(c) Notwithstanding the provisions of subsection (a) and subsection (b)—

"'(1) any member of any such organization may apply for the issuance or renewal of a passport or use a passport if such individual has obtained the consent of the Attorney General for such action; and

"'(2) a passport may be issued to or renewed for any member of any such organization who has procured the consent required by paragraph (1) if such issuance or renewal has been determined by the Secretary of State personally to be in the public interest.'"

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